

DUDLEY METROPOLITAN BOROUGH

MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON MONDAY 4TH DECEMBER, 2006
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY

PRESENT:-

Councillor Stanley (Deputy Mayor)
Councillors Adams, Ahmed, Ali, Mrs. Ameson, Mrs. Aston, Attwood, Banks, Blood, Body, Ms. Boleyn, Bradney, Burston, Caunt, Mrs. Collins, Cotterill, Mrs. Cowell, Ms. Craigie, G.H. Davies, J. R. Davies, M. Davis, Donegan, Mrs. Dunn, Evans, Mrs. Faulkner, Finch, Ms. Foster, Fraser-Macnamara, Harley, Ms. Harris, Hill, Islam, Jackson, James, Johnston, Jones, Mrs. Jordan, Kettle, Knowles, Lowe, Male, Mrs. Martin, Miller, Mrs. Millward, Mottram, Ms. Nicholls, Nottingham, Ms. Partridge, Rahman, Mrs. Ridley, Rogers, Ryder, Mrs. Shakespeare, Simms, Southall, Sparks, Taylor, Tomkinson, A. Turner, Mrs. H. Turner, K. Turner, Tyler, Mrs Walker, Waltho, C Wilson, Mrs. M. Wilson and Wright; together with the Chief Executive and other Officers.

PRAYERS

The Mayor's Chaplain, Canon John Everest, led the Council in prayer.

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APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of the Mayor (Councillor Woodall) and Councillors Burt, Mrs. Coulter, Crumpton and Mrs. Pearce.

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DECLARATIONS OF INTEREST

Members declared interests, in accordance with the Members' Code of Conduct, as follows:-

Councillor Burston – Personal interest in Minute No. 45 of Central Dudley Area Committee (Bus Stops on Russells Hall Estate) in view of employment by CENTRO.

Councillor M. Davis – Personal interest in all matters relating to social services as a service user.

Councillors Blood, Nottingham and Southall – Personal interests in Agenda Item 5 (a) (Capital Programme Monitoring – reference to Wordsley Park) as attendees at meetings of Friends of Wordsley Park.

Councillor Evans – Personal interest in all matters relating to Parks and Friends of Parks Groups in view of attendance at meetings relating to Alder Coppice.

Councillor Lowe – Personal interest in Agenda Item 6(a) (Annual Report of Former Select Committee on Good Health) as a Regional Officer for UNISON covering Dudley Primary Care Trust.

Councillors K Turner and Mrs. H Turner – Personal interest in all references to Parks and Friends of Parks Groups as Members of the Friends of Huntingtree Park.

Councillor Mrs. Aston – Personal interest in Agenda Item 5(a) (Capital Programme Monitoring – reference to Priory Road Pharmacy) as a member of the Pharmacy Project Board.

Councillors Mrs. Aston and Finch – Personal interests in Agenda Item 5(e) and Minute No. 57 of the Cabinet (North Priory Regeneration Project) as Members of the Residents Steering Group.

Councillor J R Davies – Personal interest in Delegated Decision 27 (Dudley Canal Trust) as a Council representative on the organisation's committee.

Councillor J R Davies – Personal interests in Agenda Item 5(a) (Capital Programme Monitoring) and Minute No. 65 of the Cabinet concerning the Friends of Parks Groups – in view of attendance at Friends of Parks meetings.

Councillor Rahman – Personal interests in Agenda Item 5(a) (Capital Programme Monitoring) in relation to Netherton Park and Netherton Community Cafe (part of Netherton Regeneration Project) as an attendee at meetings of both organisations as a Ward Councillor.

Councillor Rahman – Personal interest in Delegated Decision Summary 45 (Netherton Regeneration Project at the Savoy Centre) in view of attendance at meetings of the Netherton Regeneration Project.

Councillor Johnston – Personal interest in Agenda Item 5(a) (Capital Programme Monitoring – reference to Liveability) as a Member of the Friends of Priory Park.

Councillor Johnston – Personal interest in Agenda Item 5(a) (Capital Programme Monitoring – reference to Priory Road Pharmacy) in view of Chairmanship of Castle and Priory Regeneration Board (the project had been discussed at the Board).

Councillor Johnston – Personal interest in Agenda Item 5(e) (North Priory Estate Regeneration Project) as a Member of the North Priory Project Board and Residents' Steering Group.

Councillor Ms. Harris – Personal interest in Agenda Item 5(a) (Capital Programme Monitoring – references to Priory Road Pharmacy and Wellbeing Lottery Bid) in view of being the Chair of Dudley Primary Care Trust - partners and co-providers of services with Dudley MBC.

Councillor Ms. Harris – Personal interest in Agenda Item 5(c) (Dudley Town Centre Regeneration - Redevelopment of Dudley Civic Quadrant) in view of being the Chair of Dudley Primary Care Trust - partners and co-providers of services with Dudley MBC.

Councillor Ms. Harris – Personal interest in Agenda Item 6(b) (Annual Report of the former Select Committee on Good Health) in view of being the Chair of Dudley Primary Care Trust - partners and co-providers of services with Dudley MBC.

Councillor James – Personal interest in all references to Friends of Parks Groups in view of his attendance at meetings of Friends of Highfields Park.

Chief Executive – Personal interest in Agenda Item No. 5(c) (Dudley Town Centre Regeneration – Redevelopment of Dudley Civic Quadrant) in view of a Director of Public Sector Plc being personally known to him as a friend.

Councillor Mrs. Aston - Personal interest in Minute No. 47 of Central Dudley Area Committee (Neighbourhood Management Activities in Central Area) in view of her Chairmanship of the Safe and Secure Group and Vice-Chairmanship of the North Dudley Regeneration Board Steering Group.

Councillor Ms. Craigie - Personal interest in Minute No. 45 of Central Dudley Area Committee (Ward Issues – Proposal against the Priory Estate Demolition) in view of her being the Secretary of the Dudley Residential Leaseholders Association.

Councillor Finch - Personal interest in Minute No. 47 of Central Dudley Area Committee (Neighbourhood Management Activities in Central Area) in view of his membership of the Safe and Secure Group and the North Dudley Regeneration Board Steering Group.

Councillor Johnston - Personal interest in Minute No. 47 of Central Dudley Area Committee (Neighbourhood Management Activities in Central Area) in view of his membership of the Residents' Steering Group for North Priory Regeneration, membership of the North Dudley Regeneration Board Steering Group, membership of the Safe and Secure Group and membership of the Board of Directors of Castle and Crystal Credit Union.

Councillor Rahman - Personal interest in Minute No. 47 of Central Dudley Area Committee (Neighbourhood Management Activities in Central Area) in view of his membership of the Lodge Farm Network.

Councillor Rahman – Personal interest in Minute No. 48 of Central Dudley Area Committee (Capital Allocations – Applications by the Friends of Netherton Park Group and the Arley and Compton Tenants Association) in view of his membership of the respective Groups.

Councillors Cotterill and Sparks - Personal interest in Minute No. 48 of Central Dudley Area Committee (Capital Allocations – Applications by the Friends of Stevens Park) in view of their membership of the Group.

Councillor Attwood – Personal interest in Minute No. 28 of the Select Committee on Regeneration, Culture and Adult Education (Quarterly Corporate Performance Report) in view of Chairmanship of the Friends of Mary Stevens Park and membership of the Environmental Task Group on Liveability.

Councillor J. R. Davies – Personal interest in Minute No. 26 of the Select Committee on Regeneration, Culture and Adult Education (Update on the Council's Capital Strategy) and any other references in those minutes to parks in view of his attendance at meetings of Friends of Parks Groups.

Councillor Hill – Personal interest in Minute No. 26 of the Select Committee on Regeneration, Culture and Adult Education (Update on the Council's Capital Strategy) in view of membership of the Friends of Hurst Green Park.

Councillor Rahman – Personal interest in Minute No. 26 of the Select Committee on Regeneration, Culture and Adult Education (Update on the Council's Capital Strategy) in view of his attendance at meetings in connection with Netherton Park.

Councillor Southall – Personal interest in Minutes of the Select Committee on Regeneration, Culture and Adult Education (Update on the Council's Capital Strategy) and references to the move of the Archive Service to the Kingswinford site from Coseley - in view of membership of the Development Control Committee.

Councillor Southall – Personal interest in Minute No. 26 of the Select Committee on Regeneration, Culture and Adult Education (Update on the Council's Capital Strategy - reference to moving resources to improve facilities within Borough Parks) in view of attendance at meetings of the Friends of Wordsley Park.

Councillor Southall – Personal interest in Minute No. 26 of the Select Committee on Regeneration, Culture and Adult Education (Update on the Council's Capital Strategy - reference to the feasibility study into the development of a sports village complex in Dudley, to include a football stadium for Dudley Town Football Club) in view of his membership of the Council of the Birmingham County Football Association to which the club was affiliated.

Councillor Southall – Personal interest in Minute No. 27 of the Select Committee on Regeneration, Culture and Adult Education (Recommendations from the Economic Regeneration Working Group 19th September, 2006 – in respect of progress on the Local Development Framework) in view of membership of the Development Control Committee.

Councillor Southall – Personal interests in Minute No. 28 of the Select Committee on Regeneration, Culture and Adult Education (Quarterly Corporate Performance Report) relating to Appendix 3 - key issues for the Directorate having implications for the delivery of Council Plan milestones (Planning), Better Parks – Steps to Health and Better Parks – Liveability - in view of membership of the Development Control Committee and in respect of the latter two items in view of attendance at meetings of the Friends of Wordsley Park.

Councillor Southall – Personal interest in Minute No. 29 of the Select Committee on Regeneration, Culture and Adult Education (Annual Report of the former Select Committee on Economic Regeneration in respect of Planning Obligations – Section 106 Agreements) in view of his membership of the Development Control Committee.

Councillor K. Turner – Personal interest in the Minutes of the Select Committee on Regeneration, Culture and Adult Education (references to parks) in view of his membership of Friends of Huntingtree Park.

Councillor Burston - Personal interest in Minute No. 25 of the Select Committee on Community Safety and Community Services (Update of the Council's Capital Strategy) in view of his employment by CENTRO.

Councillor Mrs. Collins - Personal interest in Minute No. 25 of the Select Committee on Community Safety and Community Services (Update of the Council's Capital Strategy) in view of membership of the Friends of Coseley Archives.

Councillor Ms. Harris – Personal interest in Minute No. 26 of the Select Committee on the Environment (Update of the Council's Capital Strategy) in view of her being the Chair of Dudley Primary Care Trust.

Councillor Ms. Craigie – Personal interest in Agenda Item No. 5(e) (North Priors Estate Regeneration Project) in view of her being the Secretary of Dudley Residential Leaseholders Association and a Leaseholder.

DEPUTY MAYOR'S ANNOUNCEMENTS(a) Mayor – Councillor John Woodall

The Deputy Mayor gave a verbal report on the progress of the Mayor's recovery. The Deputy Mayor thanked Members and Officers for their ongoing support in the conduct of his duties during the absence of the Mayor.

It was moved by Councillor Caunt, seconded by Councillor Fraser-Macnamara and

RESOLVED

That, in accordance with the provisions of Section 85 of the Local Government Act 1972, the Council approve the reason for Councillor Woodall's non-attendance at meetings since July, 2006, due to his accident and period of recuperation, and that this approval remain in effect until the next meeting of the Council or until such time as Councillor Woodall is able to fully resume his duties.

(b) Children's Information Service

The Deputy Mayor announced that the Children's Information Service, within the Directorate of Children's Services, had achieved the National Association of Children's Information Service Quality Award. The Council congratulated all employees involved and the Deputy Mayor presented the award to the employees concerned.

(c) Heart of England Excellence in Tourism Gold Awards

The Deputy Mayor announced that Graham Worton (Curator of Dudley Museum) and the Team at Broadfield House Glass Museum had received national recognition as winners of the Heart of England Excellence in Tourism Gold Awards. The Council congratulated all those involved and the Deputy Mayor presented the awards to the employees concerned.

(d) Excellence in Delivering Mixed Communities and Outstanding Achievement in Social Housing in England

The Deputy Mayor announced that the Directorate of Adult, Community and Housing Services had received recognition with the above major awards. The Council congratulated all the employees involved in this outstanding achievement and the Deputy Mayor presented the awards to representatives of the Directorate.

(e) Directorate of Finance, ICT and Procurement – Charter Mark

The Deputy Mayor announced that the Directorate of Finance, ICT and Procurement had been awarded another Charter Mark to reward service excellence. The Council congratulated all the staff involved and the Deputy Mayor presented the Charter Mark award to the Director of Finance.

(f) Leaps and Bounds Project

The Leader reported on the success of the ‘Leaps and Bounds’ project, which had been delivered jointly by Dudley MBC, Sandwell MBC, Wolverhampton and Birmingham City Councils in conjunction with Birmingham Royal Ballet and Channel 4 Television. The Leader paid tribute to the work of the project team and all concerned for their effort and outstanding commitment to help change the lives of young people in the Black Country and Birmingham. The Deputy Mayor presented certificates to Keith Horsfall, Fred Richings and David Harrold (Dudley MBC) and Michelle Bould, Sandwell MBC. The Council congratulated everyone involved in the initiative, including other members of the project team who were unable to attend the meeting.

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CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

It was moved by Councillor Caunt, seconded by Councillor Fraser-Macnamara and

RESOLVED

- (1) That the refurbishment of the North Wing of Himley Hall be approved and included in the Capital Programme, as set out in paragraph 3 of the report.
- (2) That the expenditure items set out in paragraph 4 of the report be approved and added to the Liveability programme.
- (3) That the expenditure on Incinerator Equipment be included in the Capital Programme, as set out in paragraph 5 of the report.
- (4) That the Stourbridge Area Skatepark project be approved and included in the Capital Programme, as set out in paragraph 6 of the report.

- (5) That the Highways Capital Programme be amended, as set out in paragraph 7 of the report.
- (6) That the project to replace the Huntingdon Gardens Play Area be approved and included in the Capital Programme, as set out in paragraph 8 of the report.
- (7) That the Drews Holloway Culvert parapet upgrade be included in the Capital Programme, as set out in paragraph 9 of the report.
- (8) That the ICT Hardware and Software expenditure set out in paragraph 10 of the report be approved and included in the Capital Programme.
- (9) That the Committee Room ICT equipment project be approved and included in the Capital Programme, as set out in paragraph 11 of the report.
- (10) That the additional works relating to the relocation of the People Using Local Services Everyday (PULSE) Team be approved and included in the Capital Programme, as set out in paragraph 12 of the report.
- (11) That the replacement of the utility blocks at the Oak Lane Gypsy Site be approved and included in the Capital Programme, as set out in paragraph 13 of the report.
- (12) That the Netherton Community Café project be approved in principle and included in the Capital Programme, as set out in paragraph 14 of the report, subject to further analysis of the estimated costs and sources of funding, including the contribution from Advantage West Midlands.
- (13) That the Housing Market Renewal funding of £283,000 be directed to the provision of Housing Assistance Grants in the designated market renewal areas of Dudley, Brierley Hill and Lye, in turn enabling the release of £189,000 to address waiting times for Disabled Facilities Grants, as set out in paragraph 15 of the report.
- (14) That subject to satisfactory legal arrangements being made to protect the Council's interests, Dudley Primary Care Trust's request to meet the initial refurbishment cost of the Priory Road Pharmacy be agreed, and the project be included in the Capital Programme, as set out in paragraph 16 of the report.

- (15) That subject to the success of the funding bid, any capital elements of the Wellbeing project be included in the Capital Programme, as set out in paragraph 17 of the report.
- (16) That a capital budget of £100,000 be established to undertake feasibility works and minor improvements arising out of the Library review, as set out in paragraph 18 of the report.

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CONFIDENTIAL REPORTING POLICY

A report of the Cabinet was submitted.

It was moved by Councillor Caunt, seconded by Councillor Fraser-Macnamara and

RESOLVED

That the updates to paragraphs 7.1 and 7.5 of the Confidential Reporting Policy and the amended paragraph 8.5, as set out in paragraph 4 of the report, be approved and adopted.

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DUDLEY TOWN CENTRE REGENERATION – REDEVELOPMENT OF DUDLEY CIVIC QUADRANT

A report of the Cabinet was submitted.

It was moved by Councillor Caunt and seconded by Councillor Fraser-Macnamara, that the recommendations arising from the special meeting of the Cabinet held on 23rd November, 2006, be approved and adopted.

During the discussion of the motion, it was moved by Councillor Fraser-Macnamara, duly seconded and

RESOLVED

That, under Council Procedure Rule 22.1, the time restriction of 5 minutes referred to in Council Procedure Rule 14.4 be suspended to enable the Leader of the Council to speak for longer than 5 minutes in response to questions.

The original motion was put to the vote and it was:-

RESOLVED

- (1) That the Success Criteria set out in Appendix 1 of the report now submitted be approved and that it be confirmed that this project is and will remain a priority for the Council for capital investment.
- (2) That the liability for fees for Phase 1 referred to in paragraph 25 of the report now submitted be noted.
- (3) That the Director of Law and Property, in consultation with the Director of Finance, be authorised to negotiate, agree and enter into an Agreement with BV Strategies Limited and Public Sector Plc for the Examine phase including any requirement for the payment of fees.
- (4) That the Director of Law and Property, in consultation with the Leader of the Council, be authorised to appoint the Council's representatives on the Joint Corporate Steering Board referred to in paragraph 24 of the report now submitted.
- (5) That it be noted that there will be a further report at the conclusion of Phase 1, as referred to in paragraph 26 of the report now submitted.
- (6) That the Director of Law and Property and the Director of Finance be requested to keep the three Group Leaders informed of the progress of this project.

Pursuant to Council Procedure Rule 16.4, the voting on the above motion was recorded as follows:-

FOR (38): Councillors Adams, Mrs. Ameson, Attwood, Banks, Blood, Burston, Caunt, Mrs. Cowell, Donegan, Mrs. Dunn, Evans, Mrs. Faulkner, Fraser-Macnamara, Harley, Hill, Jackson, James, Jones, Kettle, Knowles, Mrs. Martin, Miller, Mrs. Millward, Ms. Nicholls, Nottingham, Rogers, Ryder, Mrs. Shakespeare, Simms, Southall, Stanley, Taylor, A. Turner, Mrs. H Turner, K Turner, Mrs Walker, C Wilson and Wright.

AGAINST (29): Councillors Ahmed, Ali, Mrs. Aston, Body, Ms. Boleyn, Bradney, Mrs. Collins, Cotterill, Ms. Craigie, G.H. Davies, J. R. Davies, M. Davis, Finch, Ms. Foster, Ms. Harris, Islam, Johnston, Mrs. Jordan, Lowe, Male, Mottram, Ms. Partridge, Rahman, Mrs. Ridley, Sparks, Tomkinson, Tyler, Waltho and Mrs. M. Wilson.

It was moved by Councillor Adams, seconded by Councillor Fraser-Macnamara and

RESOLVED

- (1) That having regard to Parliamentary processes, approval be given for the adoption of powers to permit the enforcement of on-street parking restrictions, through the creation of a Special Parking Area and a Permitted Parking Area throughout the Borough for implementation on 22nd October, 2007.
- (2) That approval be given to funding the full implementation of Civil Parking Enforcement (CPE) initially from Council reserves.
- (3) That the Director of Law and Property and the Director of Finance, in consultation with the Cabinet Member for Transportation and the Director of the Urban Environment, be authorised to establish the legal and budgetary frameworks for the introduction of CPE.
- (4) That approval be given for the Council to participate in the National Parking Adjudication Service (NPAS) Joint Committee under Section 101 of the Local Government Act 1972.
- (5) That two Members of the Council (one acting as the other's deputy) be nominated to represent the Council on the NPAS Joint Committee as and when necessary.
- (6) That approval be given to the setting of nationally accepted penalty charges of £60 (reduced to £30 for payment within 14 days and incremented to £90 after non payment) for parking offences with effect from the date of the commencement of Decriminalised Parking Enforcement.
- (7) That the Director of Law and Property be authorised to enter into an NPAS Joint Committee agreement.
- (8) That the Director of Law and Property be authorised to assess bailiff service requirements for the non-payment of Penalty Charge Notices.

It was moved by Councillor Evans and seconded by Councillor Fraser-Macnamara, that the recommendations of the Cabinet, as set out in the report, be approved and adopted.

On consideration of the motion, the following amendment was moved by Councillor Johnston and seconded by Councillor Finch:-

“That the figure of 30% referred to in the motion be raised to at least 35%.”

The amendment was put and lost.

The following amendment was moved by Councillor Fraser-Macnamara and seconded by Councillor Mrs Millward:-

“That the social housing percentage referred to in the motion be amended to 35% subject to Housing Corporation approval.”

The amendment was put and carried. The original motion, as amended, thereupon became the substantive motion.

The following amendment to the substantive motion was moved by Councillor Ms. Partridge and seconded by Councillor Waltho:-

“That the motion be amended to significantly raise the level of rented social housing and to conduct a full impact assessment on displacement issues raised by residents and members before proceeding further and the deliberations be brought back to this Council.”

The amendment was put and lost. The substantive motion was thereupon put to the vote and it was:-

RESOLVED

That approval be given to:-

- (1) continue with the project and to develop a prospectus inviting proposals from potential development partners.
- (2) procure a development partner to work with the Council on the regeneration of the North Priory with the 100% redevelopment option, with 35% affordable social housing, subject to Housing Corporation approval, and generating a capital receipt adequate to cover the Council's initial costs.
- (3) incur expenditure as outlined in paragraph 22 of the report.
- (4) seek approval to bid for Housing Corporation funds.

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CULTURAL STRATEGY 2006-2009

A report of the Cabinet was submitted.

It was moved by Councillor Fraser-Macnamara, seconded by Councillor Mrs. Millward and

RESOLVED

That the Council's Cultural Strategy 2006-2009 be approved and adopted.

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APPROVAL OF GAMBLING POLICY

A report of the Cabinet was submitted.

It was moved by Councillor Mrs. Martin, seconded by Councillor Fraser-Macnamara and

RESOLVED

That the recommendation of the Cabinet in respect of the Council's Gambling Policy be endorsed and the revised Policy be approved and adopted.

61

ANNUAL REPORT OF THE FORMER SELECT COMMITTEE ON ECONOMIC REGENERATION FOR 2005/06

A report of the Chairman of the former Select Committee on Economic Regeneration was submitted. In moving the report, Councillor K. Turner thanked all Members and Officers involved for their work during the year.

It was moved by Councillor K. Turner, seconded by Councillor Fraser-Macnamara and

RESOLVED

That the annual report of the former Select Committee on Economic Regeneration for 2005/06 be approved and adopted.

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ANNUAL REPORT OF THE FORMER SELECT COMMITTEE ON
GOOD HEALTH FOR 2005/06

A report of the Lead Officer to the former Select Committee was submitted. In moving the report, the Chairman of the Select Committee on Health and Adult Social Care informed the Council that the Select Committee had approved the annual report on 23rd November, 2006.

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

RESOLVED

That the annual report of the former Select Committee on Good Health for 2005/06 be approved and adopted.

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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.

Following reference to the minutes of the Select Committee on Community Safety and Community Services held on 9th November, 2006, the time of 9.30pm was reached. Pursuant to Council Procedure Rule 10.2(b), Members were invited to direct any questions on the remaining minutes and decisions to the appropriate Select Committee.

Prior to closing the meeting, the Deputy Mayor wished everyone a happy Christmas and a peaceful, prosperous New Year.

The meeting ended at 9.30 pm

MAYOR