

Meeting of the Cabinet – 11th February, 2009

Report of the Interim Chief Executive

Proposed Dudley Mosque and Community Training and Enterprise Centre

Purpose of Report

1. To provide an update on the position regarding the proposed development of land at Hall Street, Dudley, for a Mosque and Community Training and Enterprise Centre.

Background

2. At its meeting on 10th September, 2008, the Cabinet considered a report on the proposed Dudley Mosque and Community Training and Enterprise Centre at Hall Street which referred to:-
 - An application by the Council to the High Court to challenge the decision of the Planning Inspector to allow an appeal and grant planning permission for this development.
 - The exercise by the Council of its right of buy-back of the land at Hall Street on the grounds that the Community Training and Enterprise Centre would not be completed or substantially completed by the 31st December 2008.
 - The need for a further period of consultation with the Dudley Muslim Association before any decision was made on the exercise of the right of buy-back.
3. The Cabinet resolved to defer a decision on whether or not to enforce the right of buy-back pending further consultation and the completion of an Equality Impact Assessment.
4. The current position with regard to this issue is that:-
 - The application to the High Court is proceeding to a hearing in early Spring this year.
 - An Equality Impact Assessment (EIA) on the exercise of the right of buy-back has been undertaken by Officers and colleagues from the Centre for Equality and Diversity and the Dudley Community Partnership. A copy of the EIA is attached at Appendix 1. Among other things the EIA makes the point that the Dudley Muslim Association have always accepted that an alternative site to Hall Street would be acceptable to them.

- We have begun meaningful negotiations with the Dudley Muslim Association regarding a possible improvement to the existing Mosque site at Castle Hill/Birmingham Street. These discussions are ongoing.
- As referred to in the EIA we have received a petition with 32,752 signatories requesting the Council to exercise its right to buy-back the land at Hall Street. We have not undertaken any detailed analysis of the petition but it is clear that not all the signatories are residents of the Borough. A similar petition with 738 signatories was submitted to the Central Dudley Area Committee on the 20th January 2009.

Finance

5. There are no specific financial implications arising from the recommendations in this report, but depending on the final outcome of this issue, there would be implications for the Council's Capital Programme, the details of which would be included in any follow up reports.

Law

6. Section 120 of the Local Government Act 1972 enables the Council to acquire land for any of its functions or for the benefit, improvement or development of its area.
7. Under the Race Relations (Amendment) Act 2000 the Council has a general duty to work towards the elimination of unlawful discrimination and promote equality of opportunity and good relations between persons of different racial groups.
8. Part 2 of the Equality Act 2006 prohibits discrimination on the basis of religion or belief, including the disposal of property.

Equality Impact

9. The equality implications of exercising the right of buy-back of the land at Hall Street have been addressed in the Equality Impact Assessment at Appendix 1.

Recommendation

10. It is recommended that this report be noted and that a decision on the buy-back of the land at Hall Street, Dudley, continue to be deferred pending the outcome of the application to the High Court.

John Polychronakis

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 John Polychronakis
 Interim Chief Executive

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List of Background Papers

1. Lease of Hall Street site dated the 16th May 2003
2. Transfer of freehold of Hall Street site dated the 17th May 2005
3. Decision of Planning Inspector dated the 17th July 2008