

**DUDLEY METROPOLITAN BOROUGH**

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL  
AT THE MEETING HELD ON MONDAY 5TH DECEMBER, 2005  
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY**

**PRESENT:-**

Councillor Kettle (Mayor)  
Councillor J Woodall (Deputy Mayor)  
Councillors Adams, Ali, Mrs. Ameson, Mrs. Aston, Attwood, Banks, Blood, Body, Boys, Bradney, Burston, Burt, Caunt, Mrs. Collins, Cotterill, Mrs. Coulter, Mrs. Cowell, Ms. Craigie, G.H. Davies, J R Davies, Debney, Donegan, Mrs. Dunn, Evans, Mrs. Faulkner, Finch, Ms. Foster, Fraser-Macnamara, Harley, Ms. Harris, Ms. Hart, Jackson, James, Johnston, Jones, Mrs. Jordan, Knowles, Male, Mrs. Martin, Miller, Mrs. Millward, Mottram, Musk, Ms. Nicholls, Ms. Partridge, Mrs. Patrick, Mrs. Pearce, Rahman, Mrs. Ridley, Rogers, Ryder, Mrs. Shakespeare, Simms, Southall, Sparks, Stanley, Taylor, Tomkinson, A Turner, K Turner, Mrs. H Turner, Tyler, Vickers, Mrs. Wilson, C. Wilson, C.L. Woodall and Wright; together with the Chief Executive and other Officers.

50           **AUDIO RECORDING**

In accordance with Council Procedure Rule 24.5, the Council gave its consent to an audio recording of this meeting being made for internal test purposes only.

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51           **PRAYERS**

The Mayor's Chaplain, the Reverend Tony Attwood led the Council in prayer.

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52           **MINUTES**

**RESOLVED**

That the minutes of the Meeting of the Council held on 17<sup>th</sup> October, 2005 be approved as a correct record and signed.

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53           **DECLARATIONS OF INTEREST**

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

Councillor Burston - Minute No. 53 of Brierley Hill Area Committee, Minute No. 51 of Central Dudley Area Committee and Minute No. 62 of the Cabinet (Wednesbury to Brierley Hill Midland Metro Line). Personal interests due to employment by CENTRO.

Councillor Mrs Collins - Minute No. 57(1) of Brierley Hill Area Committee (Capital Allocations). Personal and prejudicial interest in view of Son's Chairmanship of Stourbridge Radio Group.

Councillor Mrs Collins – Minute No. 48 of Stourbridge Area Committee (Lye and Wollescote Cemetery Chapel). Personal and prejudicial interest in view of Son's Directorship of the West Midlands Historical Buildings Trust.

Councillor Southall – Minute No. 53 of Brierley Hill Area Committee (Wednesbury to Brierley Hill Midland Metro Design Guide). Personal interest in view of Membership of the Development Control Committee.

Councillor Attwood - Agenda Item 4(a)(i) and Minute No. 68(3)(b) of the Cabinet (Capital Programme Monitoring). Personal and Prejudicial interest as Chairman of Friends of Mary Stevens Park.

Councillor Attwood - Minute No. 45 of Stourbridge Area Committee (Applications in respect of Land and Property owned by the Council). Personal and prejudicial interest due to membership of Valley Road Youth and Community Centre and personal and prejudicial interest in respect of Enville Street since the applicant was a close relative.

Councillor Mrs Ridney - All agenda items concerning the review of Primary School places. Personal interest as husband was a Governor of Christ Church Primary School and Vice Chair of Wallbrook Primary School.

All Members who held positions as Governors of Primary Schools - Any matters on the agenda in relation to the review of Primary School places. Personal interests as School Governors. (NB: The Mayor reminded the meeting that these Members were covered by the dispensation given by the Standards Committee on 13<sup>th</sup> September, 2005).

Councillor Adams - Agenda Item 4(a)(i) (Capital Programme Monitoring). Personal interest - Honorary President of the Friends of Mary Stevens Park.

Councillor Johnston - Agenda Item 4 (a)(i) (Capital Programme Monitoring - References to Targeted Capital Funding and Priory and Wrens Nest Children's Centre). Personal interest as a Governor of Wrens Nest Primary School.

Councillor Johnston - Minute No. 52 of Central Dudley Area Committee (Capital Allocations). Personal and prejudicial interest - Chair of Parish Church Committee at St Francis Parish Church.

Councillor Finch - Minute No. 52 of Central Dudley Area Committee (Capital Allocations - St Francis Parish Church). Personal interest due to attendance at Committee meetings.

Councillor Finch – Agenda Item 4(a)(i) (Capital Programme Monitoring – Targeted Capital Funding and Priory and Wrens Nest Children’s Centre). Personal interest as a School Governor.

Councillor Mrs Aston – Minute No. 52 of Central Dudley Area Committee (Capital Allocations - St Francis Parish Church). Personal interest due to attendance at Committee meetings.

Councillor Rahman - Agenda Item 4(a)(i) (Capital Programme Monitoring - The Hillcrest School and Community College Specialist Status). Personal interest as daughter was a student at the School.

Councillor Rahman – Minute No. 52 of the Central Dudley Area Committee (Capital Allocations). Personal and Prejudicial interest in view of Chairmanship of the Netherton and Woodside Partnership.

Councillor Ms Harris – Minute No. 53 of Brierley Hill Area Committee and Minutes Nos. 32, 33, 34 and 37 of the Select Committee on Good Health. Personal interests as Chair of Dudley Beacon and Castle Primary Care Trust.

Councillor Mrs Jordan – Agenda Item 4(a)(ii) (Update of Council’s Capital Strategy - Key Service Issues) and Minute No. 20 of the Audit Committee (Annual Audit Report in relation to the Directorate of Education and Lifelong Learning). Personal interests due to Governorship of Pens Meadow School.

Councillor Mrs Coulter – Agenda Item 4(a)(ii) (Update of the Council’s Capital Strategy – Environmental, Protective and Cultural Services). Personal interest in all matters relating to parks as an attendee of the Friends of Netherton Park.

Councillor Mrs Coulter – Agenda Item 4(a)(iii) (Dudley Borough Challenge – Final Draft of the Community Strategy). Personal interest in all matters relating to parks as an attendee of the Friends of Netherton Park.

Councillor Mrs Coulter – Minute No. 31(b) of the Select Committee on Lifelong Learning (The Mere Education Centre). Personal interest due to Chairmanship of the Joint Management Committee for the Pupil Referral Units.

Councillor Mrs Coulter – Minute No. 40 of the Select Committee on Lifelong Learning (Management Arrangements for Pupil Referral Units). Personal interest – Chairmanship of the Joint Management Committee for the Pupil Referral Units.

Councillor Mrs Coulter – Minute No. 31 of the Select Committee on Good Health (Waiting times for Diagnostic Services – Cancellation of Surgical Operations and waits for medication from the Pharmacy at Russells Hall Hospital). Personal interest due to involvement in these and related matters.

Councillor Mrs Coulter – Minute No. 52 of Central Dudley Area Committee (Capital Allocations). Personal and Prejudicial interests:-  
(i) Cancer Support Group - Membership of Group  
(ii) Netherton and Woodside Partnership - Friendship with the Treasurer.  
(iii) Netherton Police Office - Friendship with some of the Police Officers.

Councillor C L Woodall – Agenda Item 4(a)(ii) – Update of the Council's Capital Strategy – Personal interest as a Director in respect of Green Park.

Councillor Ali – Minute No. 34 of the Select Committee on Good Health (Local Solutions for Complex Needs - Proposals for Developing Medium Secure Mental Health Services for Men). Personal interest in view of employment in a Primary Care Trust in the Black Country.

Councillor Bradney – Agenda Item 4(a)(i) – (Capital Programme Monitoring - The Hillcrest School and Community College Specialist Status). Personal interest in view of Governorship of the School and Community College.

Councillor Finch – Minute No. 85 of the Cabinet (Investing in the Future – Primary Schools Review). Prejudicial interest as wife employed at Sycamore Green Primary School.

Councillor J R Davies – Agenda Item 4(a)(ii) (Update of the Council's Capital Strategy). Personal interest in view of attendance at meetings of the Friends of Parks Groups.

Councillor Craigie – Agenda Item 4(a)(iii) (Dudley Borough Challenge – Final Draft of the Community Strategy). Personal interest due to her employment in Dudley Town Centre.

Councillor Southall – Minute No. 60(xiii) of the Development Control Committee (Planning Application No. P05/1701 – 16 Westminster Road, Wordsley – first floor side extension to create bedroom and study). Personal and prejudicial interest insofar as the applicant had been personally known to him for many years.

Councillor K Turner – Agenda Item 4(a)(ii) (Update of the Council's Capital Strategy) and Minute No. 30 of the Select Committee on Lifelong Learning (Castle Hill Development). Personal and prejudicial interests as a Trustee of Dudley Zoo.

Councillor Rogers – Agenda Item 4(a)(i) (Capital Programme Monitoring – Liveability Funding for Playground Extension in Mary Stevens Park). Personal and Prejudicial interest as Vice-Chairman of the Friends of Mary Stevens Park.

Councillor Rogers – Minute 46 of the Stourbridge Area Committee – (Capital Allocations – 15<sup>th</sup> Stourbridge Norton St. Michael's Scout Group). Personal and prejudicial interest in view of membership of the Scout Association.

Councillor Fraser-Macnamara – Minute No. 34 of Licensing Sub-Committee 5 (Application to Vary a Premises Licence, DY5, the Waterfront East, The Waterfront, Merry Hill, Brierley Hill). Personal and prejudicial interest as the applicant was a former client of Blount Macnamara Ltd. and a client of Fraser-Macnamara Solicitors.

Councillor Debney - Minute No. 53 of Brierley Hill Area Committee (Wednesbury to Brierley Hill Midland Metro Design Guide). Personal interest in view of Membership of the Development Control Committee.

Councillor James – Minute No. 29(v) of the Tree Preservation Orders Committee (Plan No. P05/1570 – 15 Foxhollies Drive, Halesowen – fell one Silver Birch Tree). Personal and prejudicial interest as the applicants were constituents and he had visited them.

Councillor James – Minute No. 54 of Halesowen Area Committee (Manor Farm Planning Applications). Personal and prejudicial interest in view of membership of the Development Control Committee.

## MAYOR'S ANNOUNCEMENTS AND THE RECEIPT OF APOLOGIES

(a) Civic Carol Service

The Mayor reported on the arrangements for the Civic Carol Service on 15<sup>th</sup> December, 2005.

(b) Financial Services Division – Investors In Excellence

The Mayor reported that the Council's Financial Services Division had achieved the prestigious Investors in Excellence Award. Members congratulated all staff involved in this achievement and the Mayor presented the award on behalf of the Council.

(c) Apologies for Absence

Apologies for absence from the meeting were received on behalf of Councillors Crumpton, M Davis and Islam.

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55

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 Highways Capital Programme be amended, as set out in paragraph 3 of the report.
- (2) That the Capital Programme be amended to include £7,500 towards the extension of the children's play area at Mary Stevens Park, as set out in paragraph 4 of the report.
- (3) That the expenditure on Green Waste wheeled bins, and its inclusion in the Capital Programme, be approved as set out in paragraph 5 of the report.
- (4) That the course of action set out in paragraph 6 of the report regarding Bell Street Multi Storey Car Park be approved, and that the associated expenditure be included in the Capital Programme.
- (5) That the expenditure to complete the refurbishment of King Street Footbridge be approved and included in the Capital Programme, as set out in paragraph 7 of the report.
- (6) That subject to the 20% funding contribution for Old Park being identified, the projects to rebuild Wrens Nest Primary School and Old Park Special School be approved and included in the Capital Programme, as set out in paragraph 8 of the report.
- (7) That the Neighbourhood Learning in Deprived Communities funding be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 9 of the report.

- (8) That the Adult and Community Learning Disability Discrimination Act funding be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 10 of the report.
- (9) That subject to the Expanding Popular Schools funding being confirmed, the project for an International Performing Arts Academy at the Hillcrest School and Community College be approved and included in the Capital Programme, as set out in paragraph 11 of the report.
- (10) That the Capital Programme be amended to include the extra costs of the Priory and Wrens Nest Children's Centre project, as set out in paragraph 12 of the report.
- (11) That the Capital Programme be amended to include the enhancements to the Benefits and Dudley Council Plus telephony system, as set out in paragraph 13 of the report.
- (12) That any capital receipts arising from the sale of Arcal Lodge buildings and land be reinvested into Housing with Care developments as set out in paragraph 14 of the report.
- (13) That the capital receipt from the disposal of the Audnam Centre be used to improve facilities in the three other Adult Learning Centres, as set out in paragraph 15 of the report.

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56

UPDATE OF THE COUNCIL'S CAPITAL STRATEGY

A report of the Cabinet was submitted.

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

RESOLVED

That the Capital Strategy, as attached to the report now submitted, be approved.

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57

DUDLEY BOROUGH CHALLENGE – FINAL DRAFT OF THE COMMUNITY STRATEGY

A report of the Cabinet was submitted.

The recommendation was moved by Councillor Caunt and seconded by Councillor Fraser-Macnamara. In moving the recommendation, the Leader indicated that the Dudley Community Partnership had now endorsed the final draft of the Community Strategy.

RESOLVED

That the Community Strategy, as attached to the report now submitted, be approved.

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58

ADOPTION OF BYELAWS IN RESPECT OF HACKNEY CARRIAGES

A report of the Taxis Committee was submitted.

The recommendations were moved by Councillor Musk, subject to the deletion of the byelaw set out in paragraph 8 of the report regarding the keeping of records for pre-booked fares for Hackney Carriages. The motion was seconded by Councillor Fraser-Macnamara and it was

RESOLVED

(1) That, subject to the procedures contained in Section 236 of the Local Government Act 1972 and in accordance with the powers contained in Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 in respect of Hackney Carriages:-

(a) The Model Byelaws for Hackney Carriages, as set out in Appendix 1 to the report, be adopted to replace the Council's existing byelaws relating to Hackney Carriages.

(b) The following byelaw, as referred to in paragraph 5 of the report, be made and incorporated into the byelaws for Hackney Carriages:-

"It is a necessary requirement, prior to an application for grant (including renewal) of a hackney carriage driver's licence after the 9<sup>th</sup> day of May, 2005, that the applicant should have satisfactorily completed the Council's training course for the conveying of the disabled. Certificates granted by the Council on completion of the Council's training course on the conveying of the disabled shall be displayed and be clearly visible at all times to the travelling public in the hackney carriage."

(2) That the Director of Law and Property be authorised to take all necessary action to implement the decisions set out in resolution (1) above, including the steps referred to in paragraph 12 of the report.

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59

TREASURY MANAGEMENT

A report of the Audit Committee was submitted.

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

RESOLVED

That the treasury management activity set out in the report be approved in accordance with the Treasury Policy Statement and Treasury Management Practices.

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60

APPOINTMENT OF A PARENT GOVERNOR REPRESENTATIVE TO SERVE ON THE SELECT COMMITTEE ON LIFELONG LEARNING

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

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

RESOLVED

That Mr G Dudley be appointed to fill the vacancy for an elected parent governor representative representing the primary education sector on the Select Committee on Lifelong Learning for the remainder of the 2005/06 municipal year.

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61

QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

During questions under Council Procedure Rule 11, there were no decisions that the Leader, Cabinet Members or Chairmen agreed to have reconsidered.

The meeting ended at 7.33 pm

MAYOR