

DUDLEY METROPOLITAN BOROUGH

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON MONDAY 17TH OCTOBER, 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, Caunt, Mrs. Collins, Cotterill, Mrs. Cowell, Ms. Craigie, G.H. Davies, J R Davies, M Davis, Debney, Donegan, Mrs. Dunn, Evans, Mrs. Faulkner, Finch, Ms. Foster, Fraser-Macnamara, Harley, Ms. Hart, Islam, Jackson, James, Johnston, Jones, Mrs. Jordan, Knowles, Male, Mrs. Martin, Miller, Mrs. Millward, Mottram, Musk, Miss 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 Director of Law and Property and other Officers.

PRAYERS

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

Prior to the commencement of the formal business, the Council stood for a minute of silence in memory of the many people who had lost their lives in the recent earthquake in Asia.

38

MINUTES

RESOLVED

That the minutes of the Meeting of the Council held on 18th July, 2005 be approved as a correct record and signed.

39

DECLARATIONS OF INTEREST

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

Councillor Adams - Minute No. 29 of Stourbridge Area Committee – Capital Allocations relating to Friends of Mary Stevens Park. Personal interest as Honorary President.

Councillor Adams - Minute No. 38 of Licensing Sub-Committee 1 – Application to vary a club premises certificate – Stourbridge Golf Club, Worcester Lane, Pedmore, Stourbridge. Personal interest as a Member of the Golf Club.

Councillors Donegan, Ryder, Simms and Mrs Wilson – Agenda Items 4(b)(i) and (ii) – Review of Housing Finance and Tenancy Conditions. Personal interests as Council tenants.

Councillor Finch – Agenda Item 5(b) - Notice of Motion relating to primary school places. Personal and prejudicial interest as spouse employed at Sycamore Green Primary School.

Councillor Taylor – Minute No. 33 of Halesowen Area Committee – ‘School Keep Clear’ Markings Traffic Regulation Order (No 3) 2005. Personal interest as Chairman of the Governors of Holt Farm School.

Councillor Mrs Ridley - All agenda items in relation to Primary Schools. Personal interest as a Governor of Christ Church Primary School, Coseley and Netherton Church of England Primary School.

Councillor Blood – Minute No. 22 of Brierley Hill Area Committee - Capital Allocations. Personal interest as a Governor of Belle Vue School and Chairman of Belle Vue Groundforce Committee.

Councillor Burston - Minute No. 27d(ii) of Halesowen Area Committee (Halesowen Bus Lanes) and Minute No. 34 of Halesowen Area Committee (Bus Showcase Route No. 9). Personal interests due to employment by CENTRO.

Councillor Miller - Minute No. 18 of Brierley Hill Area Committee - Wheel Clamping on Private Land and Rights of Private Landowners to Charge for Car Parking. Personal interest due to employment in Kingswinford.

Councillor Miller - Minute No. 36 of Brierley Hill Area Committee – ‘School Keep Clear’ Markings Traffic Regulation Order (No. 3) 2005. Personal interest as a Governor of Glynne Primary School.

Councillor Harley - Minute No. 29 of North Dudley Area Committee - Delegated Capital Allocations. Personal interest due to role as a Trustee of Gornal Athletic Football Club.

Councillor Mrs Collins - Minute No. 22(5) of Brierley Hill Area Committee – Capital Allocations. Personal and prejudicial interest due to son being the Chairman of the Stourbridge Radio Group.

Councillor Mrs Dunn - Minute No. 29 of Licensing Sub-Committee 2 – Application to vary a premises licence, the Forge, 16 Dudley Road, Halesowen. Personal and prejudicial interest in view of having personal knowledge of one of the objectors to the application.

Councillor Attwood – Minute No. 28 of Stourbridge Area Committee – Sale of Land fronting Enville Street, Stourbridge. Personal and prejudicial interest since one of the applicants was a close relative.

Councillor Attwood – Minutes Nos. 29 (Capital Allocations) and 35(b) (Cycle Facilities at Mary Stevens Park) of Stourbridge Area Committee. Personal and prejudicial interests as Chairman of the Friends of Mary Stevens Park.

Councillor Mrs Jordan – Agenda Item No. 5(b) - Notice of Motion relating to primary school places and Minute No. 41 (3)(j) of the Cabinet – Capital Programme Monitoring. Personal interest as a Governor of Pens Meadow 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 13th September, 2005).

Councillors Body and Ms Partridge - Minute No. 30(4) of the Halesowen Area Committee – Delegated Capital Budget – Personal and prejudicial interest in view of Trusteeship of the Beech Tree Miners Welfare Club.

Councillor C L Woodall – Agenda Item 4(a)(i) – Capital Programme Monitoring relating to Green Park – Personal interest as a Director in respect of Green Park.

Councillor J R Davies - Agenda Item 4(a)(i) – Capital Programme Monitoring relating to Green Park – Personal interest as attendee at meetings in respect of Green Park.

Councillor J R Davies – Agenda Items 4(b)(i) and (ii) and corresponding Minutes of the Cabinet on 21st September, 2005 – Review of Housing Finance and Tenancy Conditions. Personal and prejudicial interests as relatives live in Council owned property.

Councillor Islam – Minute No. 36 of Brierley Hill Area Committee – ‘School Keep Clear’ Markings – Personal interest as a Governor of Brierley Hill Primary School.

Councillor Islam – Minute No. 22 of the Select Committee on Lifelong Learning (Equality and Diversity Annual Report 2004/05) and Minute No. 52 of the Cabinet (Annual Review of Equality and Diversity 2005) - Personal interest as a Member of Dudley Racial Equality Council.

Councillor Mrs H Turner – Minute No. 30 of Halesowen Area Committee – Delegated Capital Budget – Prejudicial interest as a Trustee for Age Concern.

Councillor Southall – Minute No. 22 of Brierley Hill Area Committee (Capital Allocations – Holy Trinity Church, Wordsley). Personal interest as he was on the electoral role of that Church.

Councillor Southall – Minute No. 12 of the Select Committee on Culture and Recreation (Capital Strategy) – Personal interest in connection with his membership of the Friends of Wordsley Park.

Councillors Debney, Southall and Mrs Wilson – Minute No.13 of Brierley Hill Area Committee (Kingswinford Skate Park) - Personal and prejudicial interests as Members of the Development Control Committee.

Councillor Southall – Minutes Nos. 32 and 38 of the Development Control Committee (Planning Application No. P05/1472 relating to 31 Drew Road, Pedmore, Stourbridge). Personal and prejudicial interest insofar as he was a personal friend of the agent involved in the application.

Councillors Mrs Millward and Wright – Minute No. 18 of Licensing Sub-Committee 1 (Renewal and Variation of a Public Entertainments Licence – Baggeridge Social Club, The Straits, Lower Gornal). Personal and prejudicial interests as Trustees of the Club.

Councillor James – Minute No. 24 of the Tree Preservation Orders Committee (Plan No. P05/1570 – 15 Foxhollies Drive, Halesowen). Personal and prejudicial interest as the applicants were known as constituents.

Councillor K Turner – Minute No. 30 of Halesowen Area Committee (Delegated Capital Budget) – Personal and prejudicial interest as Vice-Chairman and Trustee of Age Concern.

Councillor K Turner – Minute No. 23 of the Standards Committee. Personal and prejudicial interest as the Member involved in the matter referred to in that Minute.

Councillor K Turner - All matters relating to Castle Hill Development and Dudley Zoo - Personal interest as a trustee of Dudley Zoological Society.

Councillor Rogers – Minute No. 29 of Stourbridge Area Committee (Capital Allocations) – Personal and prejudicial interest as Vice-Chairman of the Friends of Mary Stevens Park.

Councillor Fraser-Macnamara – Minute No. 23(i) of the Development Control Committee (Plan No. P04/1520 – Land at Hampden Close, Quarry Bank). Personal and prejudicial interest as the application involved clients of Blount Macnamara Ltd.

Councillor Fraser-Macnamara – Minute No. 23(ii) of the Development Control Committee (Plan No. P04/2234 – 19 Greenhill Road, Halesowen). Personal and prejudicial interest as the land was owned by clients of Blount Macnamara Ltd.

Councillor Ali – All references to Dudley Racial Equality Council.
Personal interest as an Executive Committee Member.

Councillor Ali – All references to Green Park – Personal interest as
attendee at meetings in connection with the Park.

Councillor Attwood – All references to Dudley Racial Equality Council.
Personal interest as an Executive Committee Member.

The Mayor (Councillor Kettle) – Minute No. 30 of Halesowen Area
Committee – Delegated Capital Budget relating to Beech Tree Miners
Welfare Institute. Personal interest as a Member of the Club.

40

MAYOR'S ANNOUNCEMENTS AND THE RECEIPT OF APOLOGIES

(a) Councillor Malcolm Knowles

The Mayor reported that Councillor Knowles had been awarded the first runner-up certificate in the national 'Mayor of the Year' awards. Mr Ian Smith from the Co-operative Bank was present at the meeting to present the award. On behalf of the Council, the Mayor expressed sincere congratulations to Councillor Knowles on this achievement in recognition of his dedicated service as Mayor during 2004/05. Councillor Knowles responded accordingly.

(b) Bronze Award for Customer Service - Heart of England Excellence in Tourism Awards

The Mayor reported that Annette Eardley (Administrator at Red House Cone) had won the Bronze Award for Customer Service at the Heart of England Excellence in Tourism awards. The Mayor expressed congratulations on behalf of the Council and presented the award to Ms Eardley.

(c) Natalie Williams BA

The Mayor welcomed Natalie Williams to the meeting and reported that she was the first Dudley MBC looked-after child to graduate from higher education. The Mayor congratulated Natalie on her excellent achievements, wished her every success for the future and presented a gift on behalf of the Council.

(d) Tipton Road Children's Home

The Mayor reported that Tipton Road Children's Home had been successful in the Health and Social Care Awards for the Midlands and East region. The award recognised the Home's excellent standards in providing care for disabled children in the Borough. The Team had been invited to a national awards ceremony in December.

The Cabinet Member for Social Services (Councillor Miller) spoke in recognition of the achievements of all involved, following which the Mayor presented the award to representatives of the Team.

(e) Disability Sports Zone Summer Scheme at Crystal Leisure Centre, Stourbridge

The Mayor reported on the initiative of local young people and the work of the Council's Culture and Recreation Team, who operated the Disability Sports Zone Summer Scheme at Crystal Leisure Centre, Stourbridge. These efforts had been recognised with a national award and this was the first project in the country to be given the accolade.

The Cabinet Member for Leisure (Councillor Fraser-Macnamara) spoke in recognition of the achievements of all involved, following which the Mayor presented the award to representatives of the Team.

(f) Stourbridge Radio Group

The Mayor announced that Stourbridge Radio Group had been successful in its application for a Community Radio Licence. It was envisaged that the radio station would be on-air in the summer of 2006 serving the majority of the Borough. He wished the Group success with the project and expressed the hope that the Council would assist the Group to achieve its future objectives.

(g) Apologies for Absence

Apologies for absence from the meeting were received on behalf of Councillors Burt, Mrs Coulter, Crumpton and Ms Harris.

A report of the Cabinet was submitted.

The recommendations set out in the report were moved by Councillor Caunt and seconded by Councillor Fraser-Macnamara.

During the discussion on this report, comments were made on the sports facilities at Green Park and the need for measures to prevent vandalism, including the possible increased provision of park wardens. The Leader indicated that he would ask the Cabinet Member for Leisure to investigate the suggestions made.

RESOLVED

- (1) That the amendments to the Public Sector Housing Capital Programme, as set out in paragraph 3 of the report, be approved.
- (2) That the expenditure on the Kickstart project and its inclusion in the Capital Programme, as set out in paragraph 4 of the report, be approved.
- (3) That the Capital Programme be amended to reflect latest cost estimates in respect of the Seven Sisters Mine Stabilisation, and that the Chief Executive be authorised to accept the most favourable offer from English Partnerships in respect of grant funding, as set out in paragraph 5 of the report.
- (4) That the Capital Programme be amended in respect of the Green Park Sports Centre project, as set out in paragraph 6 of the report.
- (5) That the revised funding application to Advantage West Midlands in respect of the Brierley Hill Local Improvement Financial Trust (LIFT) Land Reclamation scheme be noted and that the Capital Programme be amended accordingly, as set out in paragraph 7 of the report.
- (6) That the Waste Performance and Efficiency Grant be allocated, and the associated expenditure be included in the Capital Programme, as set out in paragraph 8 of the report.
- (7) That the capital budget for the Lye Gyrotory Scheme be increased as necessary to allow for extra anticipated costs in the range indicated in the report submitted to the Cabinet on 21st September, 2005 (Minute No. 56(1) of the Cabinet refers) and that this be funded from proceeds from capital receipts resulting from the sale of land originally acquired for the Lye Bypass or Dudley Southern Bypass, as referred to in paragraph 9 of the report.

- (8) That the replacement of the outlet to Breaches Pool in Leasowes Park be included in the capital programme at the estimated cost referred to in the report submitted to the Cabinet on 21st September, 2005 (Minute No. 56(2) of the Cabinet refers) and that the work be undertaken by the contractor identified in the report to the Cabinet, as referred to in paragraph 10 of the report.
- (9) That the expenditure on Stairlifts and its inclusion in the Capital Programme, as set out in paragraph 11 of the report, be approved.
- (10) That for the next three years, Social Services resource allocations in the form of Supported Capital Expenditure be split between a small annual minor works programme and works required to modernise property and other assets as part of the modernisation of Day Opportunity Services, as set out in paragraph 12 of the report.
- (11) That the School Travel Plans grant allocation be noted and the associated expenditure be included in the Capital Programme, as set out in paragraph 13 of the report.
- (12) That the Extended Schools capital grant allocations be noted and the associated expenditure be included in the Capital Programme, as set out in paragraph 14 of the report.
- (13) That the Capital Programme be amended as necessary to include any relevant Dudley Council Plus expenditure to be funded from Local Public Service Agreement (LPSA) Reward Grant, as set out in paragraph 15 of the report.
- (14) That the Urgent Amendments to the Capital Programme, relating to the following schemes, and as set out in paragraphs 16 to 18 of the report, be noted:-

Resettlement of Ridge Hill Hospital.
Schools Specialist Status.
Himley Park Central Drive and Perimeter Fence.

A report of the Cabinet was submitted.

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

RESOLVED

- (1) That the process in relation to the Black Country Study be endorsed and that the Regional Assembly use the (Black Country Options) Document as the basis for public consultation.
- (2) That the technical work commissioned by the Black Country Consortium be used by the West Midlands Regional Assembly as the evidence base for consultation on the Black Country Study.

43

REVIEW OF HOUSING FINANCE

A report of the Cabinet was submitted.

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

RESOLVED

THAT the revised Housing Revenue Account budget for 2005/06, as set out in Appendix 1 to the report, be set for the current year to reflect the rent increase and other factors approved by the Cabinet, under delegated powers, at its meeting on 21st September, 2005 (Minute No. 42 of the Cabinet refers).

44

TENANCY CONDITIONS

A report of the Cabinet was submitted.

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

RESOLVED

That the tenancy conditions, as set out in Appendix A to the report, be approved to come into force on 1st January, 2006.

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

FOR: Councillors Adams, Mrs. Ameson, Attwood, Banks, Blood, Boys, Burston, Caunt, Mrs. Cowell, Donegan, Evans, Mrs. Faulkner, Fraser-Macnamara, Harley, Jackson, James, Jones, Knowles, Mrs. Martin, Miller, Mrs. Millward, Musk, Miss Nicholls, Mrs Pearce, Rogers, Ryder, Mrs. Shakespeare, Simms, Southall, Stanley, Taylor, A Turner, K Turner, Mrs. H Turner, Vickers, C. Wilson, J Woodall and Wright (38)

AGAINST: Councillors Ali, Mrs. Aston, Body, Bradney, Mrs. Collins, Cotterill, Ms. Craigie, G.H. Davies, M Davis, Debney, Finch, Ms. Foster, Ms. Hart, Islam, Johnston, Mrs. Jordan, Male, Mottram, Ms Partridge, Mrs. Patrick, Rahman, Mrs. Ridley, Sparks, Tomkinson, Tyler, Mrs. Wilson and C.L. Woodall (27)

45

ADOPTION OF THE REVISED DEPOSIT UNITARY DEVELOPMENT PLAN AS THE OPERATIVE DEVELOPMENT PLAN FOR THE BOROUGH

A report of the Cabinet was submitted.

The recommendations set out in the report were moved by Councillor Jones and seconded by Councillor Fraser-Macnamara. In moving the recommendations, Councillor Jones formally recorded thanks to all Members and Officers involved in the production of the Unitary Development Plan.

During the discussion on this report, in connection with comments made regarding sporting facilities and the potential provision of a site for Dudley Town Football Club, the Cabinet Members for Economic Regeneration and Leisure undertook to ask officers to investigate the options and suitability of potentially viable sites.

RESOLVED

- (1) That the Revised Deposit Unitary Development Plan be approved.
 - (2) That the formal date of adoption of the Plan be approved as 17th October 2005 and that the plan become operative on 18th October 2005.
 - (3) That the formal adoption notice be published.
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46

NOTICES OF MOTION UNDER COUNCIL PROCEDURE RULE 12

(a) Housing Allocations Policy

On 3rd October, 2005, Councillor M Davis had given notice of a motion pursuant to the provisions of Council Procedure Rule 12.

It was moved by Councillor M Davis:

“That this Council notes the decision of the Cabinet on 21st September, 2005 to develop and introduce a system of choice based lettings in Dudley.

Within the future housing allocations policy, the Council requests the Cabinet and the Select Committee on the Environment to develop a system which reflects ‘local loyalty’. The aim of this would be to give priority to local residents when allocating housing accommodation in the Borough in so far as the law permits.”

The motion was not seconded. In accordance with the Council’s Procedure Rules there was no further discussion on it.

(b) Review of Primary School Places

On 5th October, 2005, Councillor Mrs Ridney had given notice of a motion pursuant to the provisions of Council Procedure Rule 12.

It was moved by Councillor Mrs Ridney and seconded by Councillor Johnston:

“This Council accepts that there is a great deal of concern within this borough about the review of primary school places.

This Council believes that the current public consultation period is not long enough to allow full and open discussion with all interested parties.

Further the Council believes that all options are not being explored to limit the potential closure of local schools.

This Council therefore accepts that the public consultation period should be extended by a further period of three months to 2nd February 2006.

All Area Committees to have specially convened meetings to discuss and consult during this period of public consultation.

This Council further recommends that no proposal on this matter should be put to this Council or the Cabinet prior to the 2nd February, 2006 other than any need to further extend the consultation period.”

During the debate on the motion, at the conclusion of the speech by Councillor Vickers, the following procedural motion was moved by Councillor Fraser-Macnamara pursuant to Council Procedure Rule 14.11(a) (Closure Motions) and duly seconded by Councillor Caunt:

“That the motion be now put to the vote.”

The procedural motion was put to the vote and carried.

The original motion was thereupon put to the vote and lost.

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

FOR: Councillors Ali, Mrs. Aston, Body, Bradney, Mrs. Collins, Cotterill, Ms. Craigie, G.H. Davies, J R Davies, M Davis, Debney, Ms. Foster, Ms. Hart, Islam, Johnston, Mrs. Jordan, Male, Mottram, Ms Partridge, Mrs. Patrick, Rahman, Mrs. Ridley, Sparks, Tyler, Mrs. Wilson and C.L. Woodall (26)

AGAINST: Councillors Adams, Mrs. Ameson, Attwood, Banks, Blood, Boys, Burston, Caunt, Mrs. Cowell, Donegan, Mrs Dunn, Evans, Mrs. Faulkner, Fraser-Macnamara, Harley, James, Jones, Kettle, Knowles, Mrs. Martin, Miller, Mrs. Millward, Musk, Miss Nicholls, Mrs Pearce, Rogers, Ryder, Mrs. Shakespeare, Simms, Southall, Stanley, Taylor, A Turner, K Turner, Mrs. H Turner, Vickers, C. Wilson, J Woodall and Wright (39)

ABSTAIN: Councillor Jackson (1)

47

ANNUAL REPORT OF THE SELECT COMMITTEE ON GOOD HEALTH

The annual report of the Select Committee was submitted.

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

RESOLVED

That the annual report of the Select Committee on Good Health for 2004/05 be approved.

48

ANNUAL REPORT OF THE SELECT COMMITTEE ON ECONOMIC REGENERATION

The annual report of the Select Committee was submitted.

It was moved by Councillor K Turner, seconded by Councillor Burston and

RESOLVED

That the annual report of the Select Committee on Economic Regeneration for 2004/05 and the draft work programme for 2005/06 be approved.

QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

During questions under Council Procedure Rule 11, a request was made for reconsideration and further consultation on the decision set out in Minute No. 29 of Licensing Sub-Committee 5 held on 28th September, 2005 (Application for Consent to Engage in Street Trading). The Chairman of that Sub-Committee meeting (Councillor Blood) indicated that this matter had been determined under delegated powers and, subject to legal advice, could not be reconsidered again at this stage.

There were no further decisions that the Leader, Cabinet Members or Chairmen agreed to have reconsidered.

The meeting ended at 8.10 pm

MAYOR