

**DUDLEY METROPOLITAN BOROUGH**

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL  
AT THE MEETING HELD ON MONDAY, 1<sup>ST</sup> DECEMBER, 2008  
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY**

**PRESENT:-**

Councillor Burston (Mayor)  
Councillor Mrs. P. Martin (Deputy Mayor)  
Councillors Adams, Ali, Mrs. Ameson, Mrs. Aston, Attwood, Banks, Barlow, D. Blood, Mrs. E. Blood, Body, Ms. Boleyn, Caunt, Cotterill, Mrs. Coulter, Mrs. Cowell, Crumpton, J. D. Davies, J. R. Davies, M. Davis, Mrs. Dunn, Evans, Mrs. Faulkner, J. Finch, K. Finch, Ms. Foster, Mrs. Greenaway, Hanif, Mrs. D. Harley, P. Harley, Ms. Harris, Hill, Islam, James, Jones, Mrs. Jordan, Kettle, Knowles, Lowe, J. Martin, Miller, Mrs. Millward, Mottram, Ms. Nicholls, Nottingham, Ms. Partridge, Perry, Mrs. Ridley, Mrs. Roberts, Mrs. Rogers, Ryder, Mrs. Shakespeare, Simms, Southall, Stanley, Taylor, A. Turner, Mrs. H. Turner, K. Turner, Tyler, Vickers, Mrs. Walker, Waltho, While-Cooper, C. Wilson, Mrs. M. Wilson, Woodall and Wright; together with the Interim Chief Executive and other Officers.

**PRAYERS**

The Mayor's Chaplain led the Council in prayer.

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**APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Ahmed, G. H. Davies and Sparks.

It was moved by Councillor Caunt, duly seconded and

**RESOLVED**

That in accordance with the provisions of Section 85 of the Local Government Act 1972, the Council approve the reason for Councillor G. H. Davies not attending meetings since August, 2008, due to ill health, and that this approval remain in effect until the next meeting of the Council or until such time as Councillor Davies is able to resume his duties.

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## DECLARATIONS OF INTEREST

Declarations of Personal and Prejudicial Interests, in accordance with the Members' Code of Conduct, were made by the following Members in respect of the matters indicated:

Councillor Tyler – Minute No. 34 of Brierley Hill Area Committee (Capital Allocations in so far as the item related to the application received from the 1<sup>st</sup> Wall Health Senior Section (Girlguiding)) – Personal interest in view of his membership of the County of West Mercia Guides Executive.

Councillor Mrs. Coulter – Minute No. 41 of Central Dudley Area Committee (Capital Allocations in so far as the item related to the application by the Friends of Netherton Park Ltd.) – Personal interest in view of her attendance at meetings of the body as an observer and her personal friendship with the Chairman.

Councillor Mrs. H. Turner – Minute No. 55 of Halesowen Area Committee (Development of a New Sports Ground and Social Club at Land off Stewarts Road, Development of New Sports Fields and Environmental Zone at Olive Hill School and Residential Development at Land off Coombs Road and Lodgefield Road with access off Coombs Road – Planning Application P08/1373) – Personal and Prejudicial interest in view of her membership of the Development Control Committee.

Councillor K. Turner – Minute No. 50 of Halesowen Area Committee (Fire Service Review) – Personal interest in view of his membership of the West Midlands Fire and Rescue Authority as a representative of the Council.

The Mayor (Councillor Burston) – Minute No. 59 of Halesowen Area Committee (Halesowen Town Centre Development in so far as it related to Halesowen Bus Station) – Personal interest in view of his employment by Centro.

Councillor Taylor – Minute No. 55 of Halesowen Area Committee (Development of a New Sports Ground and Social Club at Land off Stewarts Road, Development of New Sports Fields and Environmental Zone at Olive Hill School and Residential Development at Land off Coombs Road and Lodgefield Road with access off Coombs Road – Planning Application P08/1373) – Personal interest in view of his governorship of Olive Hill Primary School.

Councillor Mottram – Minute No. 27 of the Select Committee on Regeneration, Culture and Adult Education (Update on Dudley Archives and Local History Relocation) – Personal and Prejudicial interest as a Board Member, appointed by the Council, to the Board of the Black Country Living Museum.

Councillor Vickers – Minute No. 33 of the Select Committee on Community Safety and Community Services (Adult Drug Treatment Plan, Drug Intervention Programme and Children and Young Persons Substance Misuse Plan) – Personal interest as a Trustee of the Warehouse Project.

Councillor Nottingham – Minute No. 38 of the Select Committee on Children’s Services (Update of the Council’s Capital Strategy in so far as there were references to Academies in the report) – Personal interest as Chair of Governors of Crestwood School, which would probably become an Academy.

Councillor Wright – Minute No. 48(vii) of the Development Control Committee (Plan No. P08/1491 – Former Park Buildings, Park Road, Lower Gornal) – Personal and Prejudicial interest in that he had already declared the wish for the site to be developed as bungalows.

Councillor Mrs. Millward – Minute No. 50 of the Cabinet and Agenda Item No. 6(a) (Capital Programme Monitoring) – Personal interest as a Governor of Ellowes Hall School.

Councillor Ali – Minute No. 52 of the Cabinet (Transforming Secondary Education – Building Schools For The Future and Academies) – Personal interest as a Foundation Governor of Castle High School.

Councillor Mrs. Ridley – Minute No. 52 of the Meeting of the Cabinet (Transforming Secondary Education – Building Schools For The Future and Academies) – Personal interest as a Governor of The Coseley School.

Councillors Mrs. Aston, J. Finch and K. Finch - All references in the agenda papers to the North Priory Estate regeneration project - Personal interest as ward representative on the North Priory Project Board.

Councillor M. Davis - All items relating to social services - Personal interest as a service user.

The Mayor (Councillor Burston) - Delegated Decision Summary No. 1 (Dudley Southern By-Pass – Renaming - Duncan Edwards Way) – Personal interest in view of his role in initiating this decision.

Councillor Ms. Boleyn - Delegated Decision Summary No. 23 (Change to Instrument of Government for the Management Committee of the Pupil Referral Service) - Personal Interest as a Member of the Management Committee of the Pupil Referral Service.

Councillor Nottingham - Minute No. 52 of the Cabinet (Transforming Secondary Education – Building Schools for the Future and Academies insofar as the item relates to Crestwood School) - Personal and prejudicial interest as Chairman of the Governors at Crestwood School.

Councillor Knowles - Delegated Decision Summary No. 28 (Foundation Status – Thorns Community College, Redhill School, Pedmore Technology College and Community School and Ridgewood High School) - Personal interest as a Governor of Pedmore Technology College.

Councillor Ms. Harris - Any references to matters relating to health and social care in so far as they relate to the business of Dudley Primary Care Trust as partners, co-commissioners and co-providers of services in the Borough - Personal interest as Chair of Dudley Primary Care Trust.

Councillor Wright – Agenda Item No. 6(a) (Capital Programme Monitoring) – Personal interest as a Governor of the Ellowes Hall Sports College.

Interim Chief Executive and Interim Director of Law and Property – Agenda Item No. 5 (Designation of the Head of Paid Service and of the Monitoring Officer) – Personal interest as the officers named in the report.

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MINUTES

RESOLVED

That the minutes of the meeting of the Council held on 13<sup>th</sup> October, 2008 be approved as a correct record and signed.

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MAYOR'S ANNOUNCEMENTS

(a) Death of Mr. John Beards

The Mayor referred, in sympathetic terms, to the recent death of Mr. John Beards who served as an Independent Member on the Standards Committee. The Council stood in silent tribute as a token of respect to his memory.

(b) Association of Public Service Excellence – Team of the Year Award for Fleet and Transport Services

The Mayor reported that staff in the Directorate of the Urban Environment had won the Association of Public Service Excellence – Team of the Year Award for Fleet and Transport Services. Following remarks from Councillor Adams, the Mayor presented the award to representatives of the Team. The Council congratulated everyone involved in this achievement.

(c) Future Skills Dudley Learner and Employer 2008 Awards

The Mayor reported on two successes at the Future Skills Dudley Learner and Employer 2008 awards. James Saunders from the Directorate of the Urban Environment had been awarded the Learner of the Year 2008 in the 'train to gain' category. The Green Care Team had been awarded the Employer of the Year award for 2008. Following remarks from Councillor Adams, the Mayor presented the award to James and the Council congratulated everyone involved on their achievements.

(d) Express and Star "Best of the Black Country" Awards

The Mayor reported on the recent success of local organisations and individuals in the above awards, in the following categories:-

- Business of the Year – Minivator Group, Kingswinford.
- Customer Service – Blacks Veterinary Group.
- Regeneration – Dudley Infracare Local Improvement Finance Trust (LIFT).
- Outstanding Business Achievement – Ian Walden, Black Country Living Museum.

Following remarks by Councillor Knowles, the Mayor and Members of the Council congratulated all the people involved on their success in gaining these awards.

(e) Himley Bonfire

On behalf of the Council, the Mayor expressed appreciation to all Council employees involved for the successful organisation of the Himley bonfire and firework display.

DESIGNATION OF THE HEAD OF PAID SERVICE AND OF THE MONITORING OFFICER

A report of the Appointments Committee was submitted.

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

RESOLVED

- (1) That John Polychronakis, Interim Chief Executive, be designated as the Head of the Paid Service, pursuant to Section 4 of the Local Government and Housing Act 1989, and that the Interim Chief Executive be authorised to undertake all the necessary powers and duties of the post of Chief Executive in accordance with statutory requirements and the Council's Constitution.
- (2) That Philip Tart, Interim Director of Law and Property, be designated as the Monitoring Officer, pursuant to Section 5 of the Local Government and Housing Act 1989, and that the Interim Director of Law and Property be authorised to undertake all the necessary powers and duties of the post of Director of Law and Property in accordance with statutory requirements and the Council's Constitution.

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CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

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

RESOLVED

- (1) That the development work on the Primary Social Care Database to support the Transforming Social Care agenda be approved and included in the Capital Programme, as set out in paragraph 3 of the report now submitted.
- (2) That the realignment of resources for Housing adaptation works be approved, as set out in paragraph 4 of the report now submitted.
- (3) That the Regional Housing Pot allocation for 2008/09 be directed towards supporting regeneration activity on the North Priory estate, in partnership with Bromford Housing Group, as set out in paragraph 5 of the report now submitted.
- (4) That the cost of the acquisition of properties, as necessary, in connection with the 13-15 Orchard Street, Brierley Hill Regeneration Project be included in the Capital Programme, as set out in paragraph 6 of the report now submitted.

- (5) That the redevelopment of the BMX Track at Dudley Wood Open Space, and the erection of Ball Stop Fencing to the frontages of houses at Swallow Close be approved and included in the Capital Programme, as set out in paragraph 7 of the report now submitted.
- (6) That the Transport Asset Management funding allocation be noted; that the arrangements for West Midlands Asset Management Plans be agreed, and any related capital expenditure be included in the Capital Programme, as set out in paragraph 8 of the report now submitted.
- (7) That the scheme to resurface paths across the Turls Hill and Swanbrook Valley open space be approved and included in the Capital Programme, as set out in paragraph 9 of the report now submitted.
- (8) That, subject to the necessary match funding being secured, the Wrens Nest project be approved and the capital elements included in the Capital Programme, as set out in paragraph 10 of the report now submitted.
- (9) That the extension of the Fire Alarm System at Himley Hall be approved and included in the Capital Programme, as set out in paragraph 11 of the report now submitted.
- (10) That the improvement works at Crystal Leisure Centre be approved and included in the Capital Programme, as set out in paragraph 12 of the report now submitted.
- (11) That the grant to Ellowes Sports College for an artificial sports surface be noted and that the project be approved and included in the Capital Programme, as set out in paragraph 13 of the report now submitted.
- (12) That the School Travel Plan Grant allocation be noted and the associated expenditure be included in the Capital Programme, as set out in paragraph 14 of the report now submitted.
- (13) That the grant allocation in respect of the Old Park School Specialist College be noted, and that the Communication and Interaction Resource Base project be approved and included in the Capital Programme, as set out in paragraph 15 of the report now submitted.

It was moved by Councillor Attwood, seconded by Councillor Mrs. Millward and

RESOLVED

That the annual report on the Members' Code of Conduct, together with the action points set out in paragraphs 16 to 18 of the report now submitted, be approved and adopted.

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CODE OF CONDUCT FOR EMPLOYEES

A report of the Standards Committee was submitted.

It was moved by Councillor Attwood, seconded by Councillor Mrs. Millward and

RESOLVED

That the revised Code of Conduct for Employees, as set out in Appendix 1 of the report now submitted, be approved and adopted.

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QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

In accordance with Council Procedure Rule 11.2, Councillor Mrs. Millward had given notice of and asked the following question of the Members nominated to answer questions on the discharge of the functions of the West Midlands Police Authority:-

"Many of our residents have expressed concerns regarding contact with West Midlands Police using the non-geographic 0845 number and the emergency 999 service. A number of residents in my ward have recounted alarming stories of being unable to contact the Police and being transferred to call centres in other parts of the Country. There are also many other occasions when calls are not being passed to local Police Stations.

On behalf of our residents, I would like an assurance that these concerns will be raised and examined by the Police Authority and a suitable response made to this Council."

Councillor Jones answered in the terms set out below:-



“Response from West Midlands Police Authority:

West Midlands Police Authority believes that accessibility to West Midlands Police should be as easy and reliable as possible with a professional service provided when contact is made. The Authority is fully supportive of the ‘Contact Counts’ policy and monitors customer satisfaction with the police service on a regular basis.

The Authority has contacted the Force in relation to the issues contained in this question to Dudley Council.

The Force has commented that with very few exceptions, when a call is received via 0845 it will not be taken by or transferred to a call centre anywhere else in the country. In fact there is no facility to do so. 99.6% of all calls to the 0845 number are answered, with 96% of those answered within 30 seconds, exceeding the national target of 90%. Over the last 12 months West Midlands Police have answered more than 1.75 million calls to the non-emergency number.

The aim is to try and resolve calls for service at first point of contact, in other words wherever possible the call handlers will answer questions using both internal systems and their experience to save callers being put through to OCU. Occasionally if there is no-one at an OCU extension or voicemail is not activated the caller may not go through to an extension and would be put through to a help desk. Call handlers are also trained to question the caller so that they can place the call at the most appropriate destination.

On rare occasions calls may go through to other areas if they call on a mobile because of the way the networks are set up. West Midlands Police have no control over this.

If a call comes through the emergency 999 number there is no facility to transfer the call, it has to be dealt with by the call handler. Although 98.5% of all calls are answered in Force in extremely rare circumstances at times of exceptional demand a few calls will be distributed firstly to help desks and if not answered then will go to our surrounding forces Warwickshire, Staffordshire and West Mercia, but this is very rare. During 2007/08 West Midlands Police answered 679,005 emergency calls.

The Force has contacted the BT 999 Liaison Officer who has commented that in a small number of cases, mobile phone masts have zone codes incorrectly programmed. These are quickly identified by BT emergency operators, brought to the attention of Vodafone, MMO2, etc. and the issue quickly resolved by them.

In addition, there is the fairly routine, misrouting of 999 calls to our immediate neighbour Forces caused by mobile phone signals going to the strongest mast signal which is normally just over a Force boundary. BT and Cable & Wireless are obliged to connect 999 calls of this nature to the Force where the mast is located.

Without specifics neither BT nor the Force are able to comment on individual cases, but if given the details they would be willing to look into them.”

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

At the conclusion of the meeting, the Mayor reported that this would be the last meeting of the Council attended by John Freeman in his capacity as Director of Children’s Services, in view of his secondment to the Local Government Association. On behalf of the Council, the Mayor thanked John for his past service and expressed best wishes for the future.

The Mayor wished Members and Officers a happy Christmas and a peaceful, prosperous new year.

The meeting ended at 7.01 pm

MAYOR