

DUDLEY METROPOLITAN BOROUGH

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON MONDAY 27TH FEBRUARY, 2006
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, Bradney, Burston, Burt, Caunt, Mrs. Collins, Cotterill, Mrs. Cowell, Ms. Craigie, Crumpton, G. H. Davies, J. R. Davies, M. Davis, Debney, Donegan, Evans, Mrs. Faulkner, Finch, Fraser-Macnamara, Harley, Ms. Harris, Ms. Hart, Islam, Jackson, James, Johnston, Jones, Mrs. Jordan, Knowles, Male, Mrs. Martin, Miller, Mrs. Millward, Mottram, Musk, Ms. Nicholls, Ms. Partridge, Mrs. Pearce, Mrs. Ridley, Ryder, Mrs. Shakespeare, Simms, Southall, Sparks, Stanley, Taylor, Tomkinson, A. Turner, Mrs. H. Turner, K. Turner, Tyler, Vickers, Mrs. Wilson, C. Wilson and C. L. Woodall; together with the Chief Executive and other Officers.

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PRAYERS

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

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MINUTES

RESOLVED

That the minutes of the Meeting of the Council held on 5th December, 2005 be approved as a correct record and signed.

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DECLARATIONS OF INTEREST

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

Councillor Burston – Agenda Item 4(a) – All references to Transport Capital Settlement (Bus Showcase Schemes). Personal interest due to employment by CENTRO.

Councillor Burston – Delegated Decision 6 (Halesowen Bus Station Enabling Works). Personal interest due to employment by CENTRO.

Councillor Burston – Delegated Decision 30 (Wednesbury-Brierley Hill Metro Line). Personal interest due to employment by CENTRO.

Councillor Burston – Minute No. 113(2)(a)(iv) of the Cabinet (Bus Showcase Schemes). Personal interest due to employment by CENTRO.

Councillor Attwood – Agenda Item 4(a)(ii) - Capital Programme Monitoring - Liveability - Mary Stevens Park. Personal and prejudicial interest as Chairman of Friends of Mary Stevens Park.

Councillor Mrs Collins - Minute No. 76(1) of Halesowen Area Committee. Personal and prejudicial interest - son is Chairman of the Stourbridge Radio Group.

Councillor Southall – Minute No. 31 of the Select Committee on Culture and Recreation - Playing Pitch Strategy. Personal interest in view of being a Council member of the Birmingham County Football Association and a member of the Friends of Wordsley Park Group.

Councillor Southall – Minute No. 32 of the Select Committee on Culture and Recreation - Quarterly Corporate Performance Management Report. Personal interest - Member of the Friends of Wordsley Park Group.

Councillor Southall – Minute No. 88(ix) of the Development Control Committee - Application P05/1997 – Greenhill Youth Centre, 221A Long Lane, Halesowen - Change of use of playing fields to youth and community playing fields. Personal interest - Council Member of the Birmingham County Football Association.

Councillor Southall – Minute No. 88(xi) of the Development Control Committee - Application P05/2272 – 66 Belle Vue, Wordsley – Outline application for two dwellings. Personal interest - had previously been contacted by an objector, but had not expressed a personal opinion.

Councillors Ryder, Simms and Mrs Wilson – Agenda Item 4(a)(v) – Deployment of Resources – Housing Revenue Account and Public Sector Housing Capital. Personal interests as Council tenants.

Councillors Mrs Aston and Finch – Minute No. 73(3) of Central Dudley Area Committee – Capital Allocation to West Midlands Police, Dudley Office for Two Mountain Bikes. Personal interest in view of their having proposed the application.

Councillor Mrs Aston – Minute No. 42 of the Select Committee on Good Health relating to Ambulance Service Mergers. Personal interest – son works for Ambulance Service.

Councillor Mrs Aston – Minute No. 53 of the Select Committee on Lifelong Learning (School Ofsted Inspection Reports) – Cotwall End Primary School. Personal interest as a school governor.

Councillor Miller – Minute No. 63 of Brierley Hill Area Committee – Investing in the Future – Primary Schools Review. Personal interest – Chairman of Governors at Fairhaven Primary and School Governor at Glynne Primary Schools.

Councillor Caunt - Minute No. 117 of the Cabinet - Remodelling of Council Services. Personal interest - daughter employed by the unnamed gas contractor referred to in the report.

Councillors Mrs Ameson, Caunt, Evans, Fraser-Macnamara, Mrs Millward, Ryder, Simms and Stanley. Minute No. 60 of North Dudley Area Committee – Delegated Capital Allocations – Gornal Athletic Football Club. Personal and prejudicial interest – Trustee of club was a Conservative Councillor.

Councillors Mrs Ameson, Caunt, Evans, Fraser-Macnamara, Mrs Millward, Ryder, Simms and Stanley. Minute No 42 of North Dudley Area Committee - Delegated Capital Allocations - Woodsetton Wolves Football Club. Personal interest – applicant personally known to Councillors.

Councillor Mrs Jordan - Minute No. 63 of the Brierley Hill Area Committee – Investing in the Future: Primary Schools Review. Personal interest - Governor of Pens Meadow School.

Councillor Johnston – Delegated Decision 42 – Castle and Crystal Credit Union – Creation of Administrative Assistant Post. Personal interest - Director of the Castle and Crystal Credit Union.

Councillor Johnston – Delegated Decision 67 – Dudley School Organisation Committee. Personal interest as a colleague of the Revd. Andrew Wickens.

Councillor Knowles – Minute No. 53 of the Select Committee on Lifelong Learning – School Ofsted Inspection Reports. Personal interest – Member of the Governing Body of Gigmill Primary School.

Councillor Knowles – Delegated Decision 69 – Dudley Performing Arts – Charges for Services 2006/07. Personal interest – Daughter employed by Dudley Performing Arts.

Councillor Stanley – Minute No. 42 of the North Dudley Area Committee – Delegated Capital Allocation – Friends of the Environment Zone. Personal interest – Governor of Roberts Primary School.

Councillor Stanley - Minute No. 50 of the North Dudley Area Committee – Investing in the Future: Primary Schools Review. Personal interest – Governor of Roberts Primary School.

Councillor Stanley - Minute No. 55 of the North Dudley Area Committee – Park Buildings, Park Road, Gornal. Personal and prejudicial interest – Member of the Development Control Committee.

Councillor M Davis - All references to Social Services related business. Personal interest as a service user.

Councillor James - Minute No 76 of Halesowen Area Committee (Delegated Capital Budget). Personal interest in view of being a Trustee for the James Grove Recreation and Sports Ground Trust.

Councillor James - Minute No 78 of Halesowen Area Committee (Earls High School Foundation – Final Accounts). Personal interest in view of Governorship of Earls High School.

Councillor James - Minute No 73 of Halesowen Area Committee (Halesowen Bus Station Redevelopment). Personal and prejudicial interest in view of membership of the Development Control Committee.

Councillor Southall – Minute No. 74 of Brierley Hill Area Committee (Capital Allocations request from West Midlands Police). Personal and prejudicial interest in view of close family members being employed by West Midlands Police Authority.

Councillor Harley – Minute No. 60(e) of North Dudley Area Committee (Delegated Capital Allocations – Gornal Athletic Football Club). Personal and prejudicial interest as Trustee of Club.

Councillor Mrs Cowell – Delegated Decision 3 (The Ridge Primary School – Proposed Stopping Up and Dedication of a Public Footpath). Personal interest as a School Governor.

Councillor Simms – Minute No. 42 of North Dudley Area Committee (Delegated Capital Allocations) and Minute No. 31 of the Select Committee on Culture and Recreation (Playing Pitch Strategy). Personal and prejudicial interests as the Chairman/Manager of Woodsetton Wolves Football Club.

Councillor J R Davies – Agenda Item 4(a)(ii) (Capital Programme Monitoring and Capital Programme 2006/07). Reference to Liveability – Buffery Park. Personal interest as an attendee at meetings of the Friends of the Park.

Councillor J R Davies – All references to the Budget Strategy 2006/07 insofar as the Strategy refers to funding for the Dudley Citizens Advice Bureau. Personal interest as colleagues worked for that organisation.

Councillor J R Davies – Minute No. 31 of the Select Committee on Culture and Recreation (Playing Pitch Strategy). Personal interest as an attendee at meetings of the Friends of Green Park.

Councillor J R Davies – Agenda Item 4(a)(v) (Deployment of Resources – Housing Revenue Account and Public Sector Housing Capital). Personal interest insofar as friends and family lived in Council accommodation.

Councillor Ali – Minutes of the Select Committee on Good Health on 26th January, 2006. Personal interest due to employment in a Primary Care Trust in the Black Country.

Councillor Ali - All references to Liveability and Parks – Personal interest in view of involvement with Friends of Buffery Park and Green Park.

Councillor Ms Harris – Minute No. 74 of Brierley Hill Area Committee (Capital Allocations). Personal interest as Chair of the Dudley Beacon and Castle Primary Care Trust.

Councillor Ms Harris – Minute No. 37 of the Select Committee on Economic Regeneration (Well Being, Independence, Choice and Improvement – Disability and Economic Regeneration). Personal interest as Chair of the Dudley Beacon and Castle Primary Care Trust.

Councillor Ms Harris – Minute No. 42 of the Select Committee on Good Health (Presentations by the Strategic Health Authority). Personal and prejudicial interest as Chair of the Dudley Beacon and Castle Primary Care Trust and Chair of the Merger Project Board.

Councillor Body – Minute No. 76 of Halesowen Area Committee (Delegated Capital Budget). Personal and prejudicial interest in view of Trusteeship of the James Grove Recreation and Sports Ground Trust.

Councillor C L Woodall – All references to Liveability and Parks – Personal interest as Chair of Green Park and Member of Friends of Buffery Park.

Councillor Mrs Ridley – Minute No. 50 of North Dudley Area Committee (Investing in the Future: Primary Schools Review). Personal interest as Chair of Governors at Christ Church School.

Councillor Mrs Ameson – Delegated Decision 42 (Castle and Crystal Credit Union – Creation of Additional Administrative Assistant Post). Personal interest as a Director of Castle and Crystal Credit Union.

MAYOR'S ANNOUNCEMENTS AND THE RECEIPT OF APOLOGIES

(a) Royal Town Planning Institute – Young Planner of the Year

The Council was informed that the Royal Town Planning Institute had named Helen Brookes-Martin (Directorate of the Urban Environment) as the Young Planner of the Year. The Council congratulated Mrs. Brookes-Martin and the Mayor presented a certificate to recognise this achievement.

(b) Licensing Section – Directorate of Law and Property – Charter Mark

The Council was informed that the Licensing Section of the Directorate of Law and Property had again been awarded a Charter Mark. The Council congratulated the staff involved and the Mayor presented the Charter Mark award to the Director of Law and Property and Mrs. Janet Elliott, Licensing Officer.

(c) Travel Wise

The Council was informed that the Travel Wise Team in the Directorate of the Urban Environment had received a national award for the Best Travel Wise Awareness Event. The Council congratulated the staff involved and the Mayor presented the award to Gill Hunt and Linda Tromans, representing the Travel Wise Team.

(d) Councillor C. L. Woodall M.B.E.

The Mayor congratulated Councillor C. L. Woodall for receiving an M.B.E. for services to local government in the Queen's New Year's Honours List. Councillor Woodall responded accordingly.

(e) Mayor's Ball – 24th March, 2006

The Council was informed of the arrangements for the Mayor's Ball on 24th March, 2006. The Mayor welcomed and encouraged everyone to attend this event in support of his charities.

(f) London Marathon

The Mayor reported that his Chaplain, the Reverend Tony Attwood, would be participating in the 2006 London Marathon to raise funds for a charitable project. The Council wished Revd. Attwood good luck and success with this venture.

(g) Death of Mr Barry DeLacy

Reference was made to the recent death, in tragic circumstances, of Mr Barry DeLacy. Tributes were paid to the extensive charitable work undertaken by Mr DeLacy in the Dudley area and for his significant contribution towards raising funds for the Mayor's Charity in previous years. The Council stood in silent tribute as a token of respect to the memory of Mr DeLacy.

(h) Apologies for Absence

Apologies for absence from the meeting were received on behalf of Councillors Boys, Mrs. Coulter, Mrs. Dunn, Ms. Foster, Mrs. Patrick, Rahman, Rogers and Wright.

REVIEW OF THE CONSTITUTION

A report of the Cabinet was submitted.

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

RESOLVED

- (1) That the report be noted.
 - (2) That the amendments to the Constitution set out in paragraph 9 and Appendix 1 to the report, be approved.
 - (3) That the arrangements for declarations of interest, set out in paragraphs 15 and 16 of the report, be approved.
 - (4) That the arrangements proposed for the review of the Code of Practice for Members and Officers dealing with planning matters, as set out in paragraph 18 of the report, be approved.
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CAPITAL PROGRAMME MONITORING AND CAPITAL PROGRAMME 2006/07

A report of the Cabinet was submitted.

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

RESOLVED

- (1) That each Supported Capital Expenditure (SCE) be earmarked to the relevant service, but with a particular emphasis on demonstrating appropriate prioritisation within service programmes, and within spend headings, as set out in paragraph 10 of the report.
- (2) That Housing capital receipts be earmarked to be spent on Housing capital schemes, as set out in paragraph 11 of the report.
- (3) That the Private Sector Housing Investment Programme for 2006/07 be approved, as set out in paragraph 16 of the report.
- (4) That the Education capital resources and related schemes be included in the Capital Programme as appropriate, as set out in paragraphs 17 and 18 of the report.

- (5) That the items of Social Services capital expenditure be approved and included in the Capital Programme, as set out in paragraphs 22 and 23 of the report.
- (6) That subject to the relevant element of the Revenue Budget Strategy being agreed, the expenditure to be funded from prudential borrowing be approved, as set out in paragraph 27 of the report.
- (7) That the grant towards affordable housing at Stocking Street be approved and included in the Capital Programme, as set out in paragraph 31 of the report.
- (8) That the Section 106 funded expenditure on Lye Local Centre be included in the Capital Programme, as set out in paragraph 32 of the report.
- (9) That the expenditure to extend the children's play area at Mary Stevens Park be approved and included in the Capital Programme, as set out in paragraph 33 of the report.
- (10) That the expenditure on seating at Buffery Park be approved and included in the Capital Programme, as set out in paragraph 34 of the report.
- (11) That the replacement of doors at the Lister Road Transport Maintenance Workshops be approved and included in the Capital Programme, as set out in paragraph 35 of the report.
- (12) That the Car Park Improvements be approved and included in the Capital Programme, as set out in paragraph 36 of the report.
- (13) That the project to install a Pedestrian Crossing on Stourbridge Ring Road be approved and included in the Capital Programme, as set out in paragraph 37 of the report.
- (14) That any Children's Play Initiative projects of a capital nature be included in the Capital Programme, as set out in paragraph 38 of the report.
- (15) That subject to funding being available, the project for a Wind Turbine at the Robert Street School Environment Zone be approved and included in the Capital Programme, as set out in paragraph 39 of the report.

- (16) That the expenditure on a Corporate Booking System and its inclusion in the Capital Programme be approved, as set out in paragraph 40 of the report.
- (17) That the urgent amendment to the Capital Programme relating to Lye Children's Centre, as set out in paragraph 41 of the report, be approved.
- (18) That the Prudential Indicators, as required to be determined by the Chartered Institute for Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in Appendix A to the report, be approved.

68 LOCAL TRANSPORT PLAN 2005/06 TO 2010/11

A report of the Cabinet was submitted.

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

RESOLVED

That the Local Transport Plan (LTP2) be approved for submission to the Government and that the action taken by the Leader of the Council, to approve the West Midlands Transport Innovation Fund Bid, be confirmed.

69 TRANSPORT CAPITAL SETTLEMENT AND PROPOSED HIGHWAYS CAPITAL PROGRAMME FOR 2006/07

A report of the Cabinet was submitted.

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

RESOLVED

- (1) That the Transport Capital Settlement for 2006/2007 be noted.
- (2) That the report and the allocation of Transport Capital Funding, as set out in Appendix 1 of the report, be approved.
- (3) That the following be approved:-

- (a) The schemes identified in Appendix 2 of the report – Bridge Strengthening; and that advance work be undertaken on bridges not included in the current year.
- (b) The structural schemes indicated in Appendix 3 – Retaining Walls, Appendix 4 – Upgrading Approaches and Appendix 5 – Upgrading of Parapets; that advance work be undertaken on highway structures not included in the current year; that the Director of the Urban Environment be authorised to bring forward construction work as funding permits in respect of the schemes identified and that the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to approve urgent work on walls not included in the Appendix.
- (c) The scheme to relight Cinder Bank and that the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to approve the programme of Street Lighting improvement and the programme of Highway Maintenance as set out in the report.
- (d) The Bus Showcase schemes identified in Appendix 6 of the report and that the Director of the Urban Environment be authorised to undertake work on bus showcase schemes as funding is made available.
- (e) The work identified at King Street, as set out in the report; the schemes identified in Appendix 7 – Local Safety Schemes; the inclusion of an additional scheme for Hagley Road and New Road, Stourbridge in 2006/07; Appendix 8 – Proposed Safer Routes to School; Appendix 9 – Pedestrian Crossing Programme; and that the Director of the Urban Environment be authorised to undertake work from the reserve programme as funding permits.
- (f) That the Director of Law and Property, in conjunction with the Director of the Urban Environment, be authorised to acquire land and property associated with approved schemes as funding allows.
- (g) That the Director of the Urban Environment continue to progress the highway improvement programme associated with outcomes from the Black Country Study and regeneration initiatives as set out in the report.

- (h) That the Director of the Urban Environment support demand management as part of the West Midlands Transportation Innovation Fund Study and that a further report be submitted to the Cabinet in due course.
- (i) That the Director of Law and Property continue to retain land in the Council's ownership adjacent to the corridors previously identified within the West Midlands Area Multi Modal Study.
- (j) That the Cabinet Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to identify and, where appropriate, implement any remedial works to local safety schemes of a minor nature, the introduction of antiskid material and provision of variable speed message signs and mobile speed camera sites as set out in the report.
- (k) That to enable the Brierley Hill Sustainable Access Network Scheme to be progressed, finance up to £2.1m be made available from the Council's capital resources to be paid back in full following the satisfactory resolution of statutory procedures and the release of Government capital support for the scheme.
- (l) That the funding bid of £8.5m, included in the Regional Prioritisation for the Brierley Hill Scheme, be confirmed.
- (m) The development of a bus quality network for Brierley Hill.

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**DEPLOYMENT OF RESOURCES – HOUSING REVENUE ACCOUNT
AND PUBLIC SECTOR HOUSING CAPITAL**

A report of the Cabinet was submitted.

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

RESOLVED:-

- (1) That the Housing Revenue Account budget for 2006/07 outlined in Appendix 1 of the report be approved.

- (2) That approval be given to a rent of £4.00 per week for garages in the Dudley area, with effect from 5th June, 2006, and further borrowing of £236,000 earmarked for investment in garage sites in the Dudley area as outlined in paragraph 8 of the report.
- (3) That the public-sector housing revised capital budget for 2005/06 and capital budget for 2006/07 to 2008/09 attached as Appendix 2 to the report be approved.
- (4) That the Director of Adult, Community and Housing Services, in consultation with the Cabinet Member for Housing, be authorised to manage the capital programme as outlined in paragraph 13 of the report.
- (5) That the Director of Adult, Community and Housing Services be authorised to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraph 14 of the report.
- (6) That the extension of contracts for level access showers and access ramps as outlined in paragraph 15 of the report be approved.
- (7) That the medium term financial strategy set out in Appendix 4 to the report be approved.

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APPOINTMENT OF INDEPENDENT MEMBERS TO SERVE ON THE STANDARDS COMMITTEE

A report of the Standards Committee was submitted.

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

RESOLVED

That the Rt. Revd. David Walker and Miss Lesley Smith be appointed as Independent Members of the Standards Committee for a term of four years with effect from 28th April, 2006.

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TREASURY MANAGEMENT

A report of the Audit Committee was submitted.

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

RESOLVED

- (1) That the Treasury Strategy 2006/07, attached as Appendix 1 to the report, be approved.
 - (2) That the Director of Finance be authorised to effect such borrowings, repayments and investments as are appropriate and consistent with the approved Treasury Strategy and relevant guidance.
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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.

Councillor Fraser-Macnamara declared a personal and prejudicial interest in Minute No. 64 of Licensing Sub-Committee 5 (Application for a Premises Licence, the Junaid's Kebab House and Fast Food, 171 High Street, Brierley Hill). He left the meeting during all questions and discussions relating to this item.

The meeting ended at 7.46 pm

MAYOR