

DUDLEY METROPOLITAN BOROUGH

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON
MONDAY, 19TH APRIL, 2004 AT 6.00 P.M.**

PRESENT:-

Councillor Tomkinson (Mayor)
Councillor Knowles (Deputy Mayor)
Councillors Adams, Ali, Mrs Ameson, Mrs Aston, Banks, Blood, Mrs Bowkley, Bradney, Bramall, Burston, Burt, Caunt, Cody, Mrs Collins, Cotterill, Mrs Coulter, Mrs Cowell, Crumpton, Darby, G H Davies, Davis, Mrs Dunn, Evans, Mrs Faulkner, Finch, Fletcher, Ms Foster, Fraser-Macnamara, Ms Harris, Hart-Bowman, Jackson, James, Johnson, Jones, Kettle, Lomax, Lowe, Mrs Martin, Miller, Mrs Millward, Mottram, Musk, Ms Nicholls, Ms Partridge, Mrs Patrick, Powell, Rahman, Mrs Ridley, Ryder, Mrs Shakespeare, Sheppard, Simms, Southall, Sparks, Stanley, Sunter, K Turner, Mrs Turner, Tyler, Waltho, Mrs White, Whitehouse, Mrs Wilson, C L Woodall; together with the Chief Executive and other Officers.

103

PRAYERS

Mr Mann, a priest from the Sikh community, led the Council in prayer.

104

MINUTES

RESOLVED

That the minutes of the meeting of the Council held on 8th March, 2004, be approved as a correct record and signed, subject to the substitution of the word "prejudicial" for the word "personal" is the subject of the delegated decision numbers decided by Councillor Mrs Caulton.

105

DECLARATIONS OF INTEREST

Councillor Sparks declared a Personal Interest in paragraphs 2.2.4 and 3.1.4 of the agenda item no. 4(a) (Capital Programme Monitoring) in view of his Chairmanship of the Dudley and West Midlands Zoological Society Ltd.

Councillor Knowles declared a Personal Interest in Delegated Decision Sheet 1 in view of his

Councillor Ms Harris declared a Personal Interest in minute no. 89 of the meeting of the Central Dudley Area Committee held on 22nd March, 2004

(Dudley Beacon and Castle Primary Care Trust); Minute 115 (Neighbourhood Renewal Fund 2004-06 and 118 (Social Services Directorate - Autumn Delivery and Improvement Statement) of the meeting of the Executive held on 17th March, 2004 in view of her Chairmanship of Dudley Beacon and Castle Primary Care Trust.

The Mayor Councillor Tomkinson declared personal interest in paragraphs 2.24 and 3.1.4 agenda item of the number 4(a) (Capital Programme) in view of the membership of the Dudley, West Midlands, Zoological Services Ltd.

Councillor Ms Harris also declared a Prejudicial Interest, in accordance with the Members' Code of Conduct, in respect of minute 119 (Mental Health Services in Dudley). At the meeting of the Executive held on 17th March, 2004 and Minute 49 (Proposals for Mental Health Services in Dudley) of the meeting of the Select Committee on Good Health held on 30th March, 2004 in view of her Chairmanship of the Dudley Beacon and Castle Primary Care Trust.

Councillor Blood declared a Personal Interest, in accordance with the Members' Code of Conduct, in paragraphs 2.3.7 and 3.1.12 of item 4(a) on the agenda (Capital Programme Monitoring) in view of his governorship of Belle View Primary School.

Councillor Adams declared a Personal Interest, in accordance with the Member's Code of Conduct, in paragraph 2.3.9 and 3.1.14 of agenda item no. 4(a) (Capital Programme Monitoring) in view of his governorship of Rufford Primary School.

Councillor Rahman declared a Personal Interest, in accordance with the Members' Code of Conduct, in paragraphs 2.3.4 and 3.1.9 of Agenda Item no. 4(a) (Capital Programme Monitoring) in view of his governorship of Netherton Park Primary School.

Councillor Rahman declared a Personal Interest, in accordance with the Members' Code of Conduct, in minute 90(7) (Applications in respect of Land and Property owned by the Council) (Withymoore Exchange Basin) in view of his membership of the Withymoore Trust.

Councillor Rahman declared a Personal Interest, in accordance with the Members' Code of Conduct, in Delegated Decision Summary number 2 in view of his membership of the Netherton and Woodside Partnership.

Councillor Sunter declared a Prejudicial Interest in agenda item no. 4 (a) (Capital Programme Monitoring) in respect of any issues relating to the regeneration of Brierley Hill, in view of his office as Chair of the Brierley Hill Regeneration Partnership.

Councillor Ali declared a Personal Interest, in accordance with the Members' Code of Conduct in minute no. 92 (Capital Allocations) of the

meeting of the Central Dudley Area Committee held on 22nd March, 2004, insofar as it related to St Thomas's Community Network in view of his directorship of the Network.

Councillor Evans declared a Personal Interest, in accordance with the Members' Code of Conduct, in paragraph 2.2.4 of agenda item no. 4 (a) (Capital Programme Monitoring) in view of his directorship of Dudley and West Midlands Zoological Society Ltd.

Councillor Jones declared a Personal Interest in item 4(c) on the agenda (Revised Deposit Unitary Development Plan) – Inspector's Report) insofar as it related to the regeneration of Brierley Hill in view of his directorship of the Brierley Hill Regeneration Partnership.

Councillor Burston declared a Prejudicial Interest, in accordance with the Members' Code of Conduct in agenda item no. 4(b) (Transport Capital Settlement) and proposed Highways Capital Programme for 2004/05 and in the Notice of Motion set out at agenda item 5 (b) in view of his employment by Centro.

Councillor Sheppard declared a Personal Interest, in accordance with the Members' Code of Conduct, in paragraphs 2.3.2 and 3.1.7 of agenda item no. 4(a) (Capital Programme Monitoring) in view of his governorship of Ridgewood High School.

Councillor Bramall declared a Personal Interest, in accordance with the Members' Code of Conduct, in resolution (1) (f) of Minute 112 (Capital Programme Monitoring) of the meeting of the Executive held on 17th March, 2004, in view of his son's being a pupil at Ridgewood High School.

Councillor Bramall declared a Personal Interest, in resolution (1) to minute 95 (Applications in Respect of Land and Property owned by the Council) in view of visits made by his son to a property adjoining the property subject to the application under consideration.

Councillor Tyler declared a Personal Interest, in accordance with the Member's Code of Conduct, in paragraphs 2.2.4 and 3.1.4 of the report at Agenda Item no. 4(a) (Capital Programme Monitoring) in view of his Directorship of the Dudley and West Midlands Zoological Society.

Councillor Mrs Collins declared a Personal Interest, in accordance with the Members' Code of Conduct, in paragraphs 2.3.2 and 3.1.7 of the report at agenda item no. 4 (a) (Capital Programme Monitoring) in view of her governorship of Ridgewood High School.

Councillor Finch declared a Prejudicial Interest, in accordance with the Members' Code of Conduct in minute 86 (Minutes) of the meeting of the North Dudley Area Committee held on 24th March, 2004, in view of his capacity as a member of the Development Control Committee and as a resident of Brookdale, Lower Gornal.

Councillor Finch declared a Personal Interest, in accordance with the Members' Code of Conduct, in minute 90 (r) (Public Forum) of the meeting of the North Dudley Area Committee held on 24th March, 2004, in view of his Chairmanship of Ruiton Windmill.

Councillor Mrs Coulter declared a Personal Interest, in accordance with the Members' Code of Conduct, in respect of Resolution 7 to minute 90 (Application in Respect of Land and Property owned by the Council) of the meeting of the Central Dudley Area Committee held on 22nd March, 2004 in view of her membership of the Steering Committee of Withymoor Exchange Basin.

Councillor Mrs Ridney declared a Personal Interest, in accordance with the Members' Code of Conduct, in paragraphs 2.3.6 and 3.1.11 of agenda item no. 4 (a) (Capital Programme Monitoring) in view of her governorship of the Coseley School.

Councillor Mottram declared a Personal Interest, in accordance with the Members' Code of Conduct, in paragraphs 2.3.6 and 3.1.11 of agenda item no. 4 (a) (Capital Programme Monitoring) in view of his governorship of the Coseley School.

Councillor C L Woodall declared a Personal Interest, in accordance with the Member's Code of Conduct, in Resolution (1) to minute 92 (Capital Allocations) of the meeting of the Central Dudley Area Committee held on 22nd March, 2004 insofar as it related to St Thomas's Community Network, in view of his directorship of St Thomas's Network.

Councillor Lowe declared a Personal Interest in minute of the meeting of the Select Committee on Good Health held on 30th March, 2004 in view of his capacity as a trade union official.

Councillor Bradney declared a Personal Interest, in accordance with the Members' Code of Conduct, in respect of all matters on the agenda and in the minutes of meetings regarding the Withymoor Trust in view of his membership of the Trust.

Councillor Mrs Dunn declared a Personal Interest, in accordance with the Members' Code of Conduct, in paragraphs 2.3.9 and 3.1.14 of agenda item no. 4 (a) (Capital Programme Monitoring) and in resolution (1) (m) of minute 112 (Capital Programme Monitoring) of the meeting of the Executive held on 17th March, 2004, in view of her chairmanship of the governors of Rufford Primary School.

Councillor Fraser-Macnamara declared a Prejudicial Interest, in accordance with the Members' Code of Conduct, in item no. 4 (b) on the agenda (Transport Capital Settlement and Proposed Highways Capital Programme for 2004/05) in respect of the business premises of Messrs Blount Macnamara.

Councillor Fraser-Macnamara declared a Prejudicial Interest, in accordance with the Members' Code of Conduct, in resolution (1) (4) to minute 84 (Capital Allocations) of the meeting of the Brierley Hill Area Committee held on 16th March, 2004 in view of the Chairmanship of the Wall Heath tennis club by a co-director of Messrs Blount Macnamara.

Councillor Fraser-Macnamara declared a Prejudicial Interest, in accordance with the Members' Code of Conduct, in resolution (iii) of minute 111 (Site Visits) of the meeting of the Development Control Committee held on 15th March, 2004, in view of the applicants being clients of Messrs Blount Macnamara.

Councillor Fraser-Macnamara declared a Personal Interest, in accordance with the Members' Code of Conduct in minute 49 (Proposals for Mental Health Services in Dudley) of the meeting of the Select Committee of Good Health held on 30th March, 2004, in view of his directorship of Dudley Mind.

Councillor Johnson declared a Personal Interest, in accordance with the Members' Code of Conduct, in respect of all relevant matters in the minutes of the meeting of the Select Committee on Good Health held on 30th March, 2004, in view of his being a client of the chiropody service.

MAYOR'S ANNOUNCEMENTS

(a) Mr Simon Molesworth

The mayor reported, with regret, the recent death of Simon Molesworth, the husband of Debra Shipley, MP. Members stood in silent tribute to his memory.

(b) Award of Beacon Council Status for Transforming the School Workforce

The Mayor reported the award of Beacon Council Status to Dudley for Transforming the School Workforce. In so doing, the Mayor stated that this prestigious award had been made to only four Councils nationally, and this is reflected the major improvements that had been made in the Directorate of Education and Lifelong Learning.

The Mayor then presented the award to the Director of Education and Lifelong Learning. With the consent of the Council, under Council Procedure Rule 24.5 a photograph of the presentation was taken.

(c) Mr Ivan Clarke

The Mayor reported that her Attendant, Mr Clarke, would be retiring at the end of the month and that this was the last meeting of the Council that he would attend in the capacity. The Mayor expressed her appreciation at Mr Clarke's excellent service in this capacity both to herself and to past Mayor's.

(d) Mayor's Charity – Music Quiz

The Mayor reported that the music quiz in aid of the Mayor's Charity would be hosted by Andrew and Elizabeth Sparke and held at Stourbridge Town Hall on Wednesday, 2nd June, 2004 at 7.45 pm.

107 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors J R Davies, Hanson, Male and J Woodall.

108 MEMBERS NOT SEEKING RE-ELECTION

Tributes were paid to the following members of the Council who were not seeking re-election on 10th June, 2004 for their service to this Council:

Councillors Fletcher, Johnson, Lomax, Powell, Sunter and Zarab

109 CAPITAL PROGRAMME MONITORING

A report of the Executive was submitted.

On the motion of Councillor Caunt, seconded by Councillor Powell, it was

RESOLVED

- (1) That the grant funding for Waste Minimisation and Recycling be accepted, subject to Department of Food and Rural Affairs final terms and conditions, and that the capital elements of the scheme be included in the Capital Programme, as set out in paragraph 2.2.1 of the report now submitted.
- (2) That the scheme for a Basketball Court and Play Area Improvements at Withymoor Village, and its inclusion in the Capital Programme, as set out in paragraph 2.2.2 of the report now submitted, be approved.

- (3) That the increase in the budget for the Transforming Your Space project by £28,000, as set out in paragraph 2.2.3 of the report now submitted, be approved.
- (4) That the Director of the Urban Environment be authorised to take all necessary steps to secure Advantage West Midlands and European Regional Development Fund funding to enable the Castle Hill project to proceed and also to accept any resultant grant offer, and that the inclusion of the resultant expenditure in the Capital Programme, as set out in paragraph 2.2.4 of the report now submitted be approved.
- (5) That the capital element of the Liveability Fund project, referred to in paragraph 2.2.5 of the report now submitted, be included in the Capital Programme and that the decisions of the Executive to note the anticipated ongoing maintenance costs in the region of £300,000 per annum, and the future pressure for growth within the Green Care revenue budget, be received.
- (6) That the refurbishment and improvement projects at The Wordsley School and their inclusion in the Capital Programme, as set out in paragraph 2.3.1 of the report now submitted, be approved.
- (7) That the Environmental Science Scheme at The Ridgewood School, and its inclusion in the Capital Programme, as set out in paragraph 2.3.2 of the report now submitted, be approved.
- (8) That the Science and ICT scheme at the High Arcal School, and its inclusion in the Capital Programme, as set out in paragraph 2.3.3 of the report now submitted, be approved.
- (9) That the allocation of Children's Centre funding to the schemes set out in paragraph 2.3.4 of the report now submitted and their inclusion in the Capital Programme, be approved.
- (10) That the funding for Out of School Childcare and Playgroup Conversion, and the inclusion of the associated expenditure in the Capital Programme, as set out in paragraph 2.3.5 of the report now submitted, be approved.

- (11) That the revised funding for the Coseley School Dance Studio project be approved, and that the Capital Programme be amended accordingly, as set out in paragraph 2.3.6 of the report now submitted.
- (12) That the project for the Refurbishment and Extension at Belle Vue Primary School, and its inclusion in the Capital Programme, as set out in paragraph 2.3.7 of the report now submitted be approved.
- (13) That the project for new Tutorial Rooms and Store Extension at the Woodsetton School, and its inclusion in the Capital Programme, as set out in paragraph 2.3.8 of the report now submitted, be approved.
- (14) That the project for an extension to the Administration Area at Rufford Primary School, and its inclusion in the Capital Programme, as set out in paragraph 2.3.9 of the report now submitted, be approved.
- (15) That the extra funding of £11,000 for the upgrading of the public waiting area at the Halesowen Magistrates Court be accepted and that the budget for the scheme be increased accordingly, as set out in paragraph 2.4.1 of the report now submitted.
- (16) That the IEG3 funding be accepted, subject to confirmation, and that the inclusion of the associated expenditure in the Capital Programme now submitted, be approved as set out in paragraph 2.4.2 of the report.
- (17) That the inclusion of the capital element of the Neighbourhood Renewal Fund programme for 2004/05 of £75,000 in the Capital Programme, as set out in paragraph 2.5.1 of the report now submitted, be approved.
- (18) That the inclusion in the Capital Programme of the refurbishment costs of the property referred to in the report submitted to the meeting separately, for the Customer Access to Services (CATS) project, as set out in paragraph 2.5.2 of the report submitted, be approved.
- (19) That the inclusion of the cost of siting the terminal units for the CATS project in the Capital Programme, as set out in paragraph 2.5.3 of the report now submitted, be approved.
- (20) That the urgent amendments to the Capital Programme and the reasons therefore, as set out in paragraphs 2.6.1 and 2.6.2 of the report submitted, be approved.

**TRANSPORT CAPITAL SETTLEMENT AND PROPOSED HIGHWAYS
CAPITAL PROGRAMME FOR 2004/05**

A report of the Executive was submitted.

On the motion of Councillor Caunt, seconded by Councillor Powell, it was

RESOLVED

- (1) That the Transport Capital Settlement for 2004/2005 be noted and welcomed.
- (2) That the contents of this report and the Transport Capital Funding as set out in Appendix 1 of the report now submitted, be noted.
- (3) That the programmes identified in Appendix 1 and referred to in paragraph 2.9 of the report now submitted be approved and that the Director of the Urban Environment be authorised to implement them accordingly.
- (4) That the Lead Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to progress the Minor Improvements Programme as funding permits including land and property purchase.
- (5) That the Director of the Urban Environment continues to initiate studies into future minor improvement schemes and progresses the formulation of Demand Management initiatives including strategies for both car parking and highway improvements for the Borough and Rights of Way Improvement Plans.
- (6) That Decriminalised Parking Enforcement be pursued, that Sandwell MBC be informed of this Authority's intention, in principle, to join in the composite procurement process and that a detailed report on DPE be presented to a future meeting of the Executive.
- (7) That the Director of Law and Property continue to retain land in the Council's ownership adjacent to the corridors previously identified for improvement.
- (8) That the Lead Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to make amendments to the programme of priorities shown in Appendices 2, 3, 4, 6, 7, 8 and 9 of the report now submitted.

- (9) That the Lead Member for Transportation, in consultation with the Director of the Urban Environment, be authorised to progress the Bus Showcase Programme once known, in the light of consultation and the availability of funding.
- (10) That the Lead 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 referred to in Paragraph 2.9.4 of the report now submitted.

111

THE REVISED DEPOSIT UNITARY DEVELOPMENT PLAN –
INSPECTOR’S REPORT

A report of the Executive was submitted.

It was moved by Councillor Jones and seconded by Councillor Powell:

RESOLVED

That the recommendations in the Revised Deposit Unitary Development Plan to which the inspector has proposed no modifications be endorsed and that the detailed responses set out in the attachment to the report now submitted be approved as the Council’s response to the Inspector’s recommendations.

On consideration of the motion, it was moved by Councillor Bramall, and seconded by Councillor Sheppard

That, in order to clarify issues relating to telecommunications masts, the Council do now adjourn for 20 minutes.

On being put to the vote, the motion by Councillor Bramall was lost.

On further consideration of the motion by Councillor Caunt, as set out above, it was

RESOLVED

That the recommendations in the Revised Deposit Unitary Development Plan to which the inspector has proposed no modifications be endorsed and that the detailed responses set out in the attachment to the report now submitted be approved as the Council’s response to the Inspector’s recommendations.

- (a) The motion in the name of Councillor Burt set out in agenda item 5(a) and the amendment to it had been debated at the meetings of the Council held on 19th January and 8th March, 2004, but, due to the expiry of the 30 minutes time limit prescribed in the Council Procedure Rules, the matter had not been disposed of at those meetings.

Following the reply to the amendment by Councillor Burt, on the amendment being put to the vote the amendment was carried. On being put to the vote the substantive motion was also carried and it was therefore

RESOLVED

That the present method of funding local government services does not give adequate levels of grant to Dudley MBC. The present system also exaggerates the impact of grant shortfall on Council Tax payers who have to make up the difference. A 1% shortfall in Government grant requires on average a 4% increase in Council Tax or equivalent cuts in services. In order to be fairer to Council Tax payers Dudley Council calls on the Government to change the balance of funding with a new system for funding local services so that shortfall in central Government grant does not result in disproportionate rises in local Council Tax.

- (b) It was moved by Councillor Cotterill and seconded by Councillor Finch that the motion in the name of Councillor Cotterill set out in agenda item 5(b) for this meeting be approved.

It was moved by Councillor Powell, seconded by Councillor Adams and

RESOLVED

That the question be now put.

On being put to the vote, the motion by Councillor Cotterill was carried and it was therefore

RESOLVED

That Dudley Metropolitan Borough Council calls on the government to bring back a system of regulated bus services similar to the one operating in London, which will allow Passenger Transport Authorities/Executives to:

1. Specify the routes, timetables and fares of bus services, emphasising the social, environmental and economic importance of bus services rather than the profit motive;
2. Remove the wasteful 'on the road' competition which eats up resources better deployed on improving services;
3. Operate a bus service 'of last resort' where commercial bus operators cannot or will not operate a service;
4. Make sure public finance and subsidies are used in the most cost effective manner; and
5. Lease buses to smaller bus companies.

113

SELECT COMMITTEE ON THE ENVIRONMENT – ANNUAL REPORT

On the motion of Councillor Sheppard, seconded by Councillor Whitehouse, it was

RESOLVED

That the Annual Report of the Select Committee on the Environment for 2003/04, as set out in the report now submitted.

114

SELECT COMMITTEE ON COMMUNITY SAFETY – ANNUAL REPORT

On the motion of Councillor Mottram, seconded by Councillor Cotterill, it was

RESOLVED

That the Annual Report of the Select Committee on Community Safety for 2003/04, as set out in the report now submitted, be received and that the proposed work plan for 2004/05, be approved.

115

QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

During questions under Council Procedure Rule 11, there were no decisions which the Leader, Lead Members or Chairs agreed to have reconsidered.

Regarding minute no. 66 (Work Programme 2004/05) of the meeting of the Select Committee on Economic Vitality and Jobs held on 23rd March, 2004, in reply to a question, the Chair of the Select Committee agreed that consideration would be given to the addition of New Deal to the work programme of the Committee for 2003/04 and that that matter would be added to the work programme if considered appropriate.

The meeting ended at 9.00 pm.

MAYOR