

Dudley Metropolitan Borough

**Minutes of the proceedings of the Council
at the meeting held on Monday, 13th October, 2014
at 6.00 pm at the Council House, Dudley**

Present:

Councillor M Aston (Mayor)
Councillor S Waltho (Deputy Mayor)
Councillors A Ahmed, K Ahmed, S Ali, A Aston, M Attwood, N Barlow, C Baugh, C Billingham, H Bills, D Blood, R Body, P Bradley, D Branwood, P Brothwood, K Casey, D Caunt, I Cooper, B Cotterill, J Cowell, W Duckworth, C Elcock, B Etheridge, S Etheridge, M Evans, K Finch, N Gregory, C Hale, M Hanif, P Harley, R Harris, D Hemingsley, S Henley, Z Islam, R James, L Jones, K Jordan, I Kettle, P Lowe, I Marrey, J Martin, P Miller, M Mottram, N Neale, G Partridge, C Perks, D Perks, M Roberts, H Rogers, D Russell, R Scott-Dow, K Shakespeare, G Simms, D Sparks, A Taylor, E Taylor, H Turner, K Turner, S Turner, D Tyler, D Vickers, M Wood and Q Zada together with the Chief Executive and other Officers.

Prayers

The Mayor's Chaplain led the Council in prayer.

27 **Apologies for Absence**

Apologies for absence were received on behalf of Councillors S Arshad, T Crumpton, A Finch, J Foster, A Goddard, T Herbert, P Martin and M Wilson.

28 **Declarations of Interests**

Declarations of interests, in accordance with the Members' Code of Conduct, were made by the following Members:

Councillor D Caunt – Action Note 11 of the Coseley East/Sedgley Community Forum (Reference to Seven Stars Public House) – Non-pecuniary interest as a Member of the Development Control Committee.

Councillor K Turner – Minute No. 5 of the Adult, Community and Housing Services Scrutiny Committee (Annual Scrutiny Programme 2014/15) Minute No. 6 (The Care Act – Implications for Dudley) and Minute No. 7 (Housing Futures Board) - Non-pecuniary interest as Chairman and Trustee Director of Age Concern Stourbridge and Halesowen, Director of Right to Buy Services Limited and being a private landlord for properties in Dudley and other areas.

Councillor K Turner - Minute No. 14 of the Adult, Community and Housing Services Scrutiny Committee (Right to Buy (RTB) and replacement New Build – Update and any reference to private tenants) – Non-pecuniary interest as a Director of Right to Buy Services Limited and a private Landlord for properties in Dudley and other areas.

Councillor S Henley – Minute No. 5 of the Health Scrutiny Committee (Dudley and Walsall Mental Health Partnership NHS Trust) and Minute No. 6 (Update of Urgent Care Development) – Non-pecuniary interest as his partner worked at Russells Hall Hospital.

Councillor E Taylor – Minute No.5 of the Health Scrutiny Committee (Dudley and Walsall Mental Health Partnership NHS Trust) and Minute No. 6 (Update of Urgent Care Development) – Non-pecuniary interest as her partner worked at Russells Hall Hospital.

Councillor M Attwood – Minute No. 14 of the Children’s Services Scrutiny Committee (Special Educational Needs Reforms 2014) and Minute No. 15 (The Annual Report of the Dudley Safeguarding Childrens Board 2013/14) – Non-pecuniary interest as a Member of the Management Committee of the Sycamore Centre (a short stay special school).

Councillor I Cooper – Minute No. 14 of the Children’s Services Scrutiny Committee (Special Educational Needs Reforms 2014) and Minute No. 15 (The Annual Report of the Dudley Safeguarding Childrens Board 2013/14) – Non-pecuniary interest as Governor of Caslon Primary School and a Member of its Finance Committee.

Councillor I Marrey – Minute No. 14 of the Children’s Services Scrutiny Committee (Special Educational Needs Reforms 2014) and Minute No. 15 (The Annual Report of the Dudley Safeguarding Childrens Board 2013/14) – Non-pecuniary interest as a Member of the governing body of a special school and the parent of a pupil with special educational needs.

Councillor M Mottram – Minute No. 14 of the Children’s Services Scrutiny Committee (Special Educational Needs Reforms 2014) and Minute No. 15 (The Annual Report of the Dudley Safeguarding Childrens Board 2013/14) – Non-pecuniary interest as Governor of Christchurch Primary School.

Councillor M Wood – Minute No. 14 of the Children’s Services Scrutiny Committee (Special Educational Needs Reforms 2014) and Minute No. 15 (The Annual Report of the Dudley Safeguarding Childrens Board 2013/14) – Non-pecuniary interest as Chair of the Finance Committee of the Halesbury School and Vice-Chair of the Trustees of the People’s Fields Trust, which oversees the Halesbury and Sutton schools.

Councillor K Casey – Minute No. 9 of the Development Control Committee (Planning Application No. P14/0959 - Mons Hill Cottage, 1 Mons Hill, Woodsetton, Dudley) – Non-pecuniary interest in view of the reference to the Member of Parliament (MP) for Dudley North as he worked for the MP.

Councillor K Casey – Minute No. 15 of the Development Control Committee (Planning Application No. P14/0981 (Amenity Space Adjacent to Sedgley Road/Parkes Hall Road, Dudley) – Non-pecuniary interest in view of his involvement in the campaign with local residents and the Royal British Legion.

Councillor K Casey – Minute No. 25 of the Development Control Committee (Planning Application No. P14/1051 (Land between 361 and 367 Himley Road, Gornal Wood, Dudley) – Non-pecuniary interest in view of the reference to the Member of Parliament (MP) for Dudley North as he worked for the MP.

Councillor C Perks – Minute No. 25 of the Development Control Committee (Planning Application No. P14/0743 (Former War Memorial Club, High Street, Amblecote) – Non-pecuniary interest as a ward member and she had made her views known about the application.

Councillor J Martin – Minute No. 35 of the Taxis Committee (Review of Private Hire and Hackney Carriage Drivers' Licences – Mr KY) – Non-pecuniary interest as he knew the taxi driver.

Councillors J Cowell and M Hanif – Minutes of the Ernest Stevens Trusts Management Committee – Non-pecuniary interest as Trustees of Mary Stevens Hospice.

Councillor H Rogers – Minutes of the Ernest Stevens Trusts Management Committee – Non-pecuniary interest as Chair of the Friends Group for Mary Stevens Park and Swinford Common. Also in relation to her involvement with the Project Implementation Team – Heritage Lottery Bid for Mary Stevens Park and attendance at stakeholder meetings.

Councillor I Kettle – Minutes of the Ernest Stevens Trusts Management Committee – Non-pecuniary interest as a Director of Mary Stevens Hospice.

Councillor A Aston – All matters relating to West Midlands Ambulance Service (WMAS) – Pecuniary interest as an employee of WMAS.

Councillor S Turner – Any references to matters concerning Dudley College – Pecuniary interest in view of his employment as a Lecturer.

Councillor G Simms – Issues relating to Looked After Children – Non-pecuniary interest in view of her employment with an independent fostering agency.

Councillor Q Zada – Issues relating to Children, Young People and Families – Non-pecuniary interest as an employee of Black Country Partnership NHS Trust.

Councillors M Evans, D Hemingsley and D Sparks – Agenda Item No. 5(a) (Capital Programme Monitoring) – reference to Castle Hill Development – Non-pecuniary interests as trustees of Dudley Zoo.

Councillor N Neale – Minutes of Health Scrutiny Committee – All references to NHS WMAS – Pecuniary interest as an employee.

Councillor R Scott-Dow – Any reference to Gig Mill School, Norton – Non-pecuniary interest as a Committee Member.

Councillor D Caunt - Agenda Item No. 5(a) (Capital Programme Monitoring) – reference to Castle Hill Development – Non-pecuniary interest as a Director of Dudley Canal Trust.

All Directors, Assistant Directors and Treasurer – Agenda Item No. 5(b) and Minutes of the Cabinet (Review of Senior Management and Organisational Structure) – Pecuniary Interest in view of their employment.

29 **Minutes**

Resolved

That the minutes of the meeting held on 14th July, 2014 be approved as a correct record and signed.

30 **Mayor's Announcements**

(a) **Public Mental Health and Health Inclusion Team in the Office of Public Health**

The Mayor reported on an award received by the Public Mental Health and Health Inclusion Team in the Office of Public Health. Following remarks by Councillor R Harris, the Mayor presented the award to representatives of the Team and the Council expressed its congratulations to all concerned.

(b) **Councillor Safeena Arshad**

The Mayor referred to the absence of Councillor S Arshad.

Resolved

That in accordance with Section 85 of the Local Government Act 1972, the Council approve the reason for Councillor Arshad's non-attendance at meetings, on health grounds, and that this approval remain in effect until such time as Councillor Arshad is able to resume her duties.

(c) **Cheese and Wine Evening – 26th November, 2014**

The Mayor reported that a Charity Cheese and Wine Evening would be held on 26th November, 2014 with all proceeds to her charities.

(d) Dudley's Festival of Remembrance concert – 6th November, 2014

The Mayor reported that Dudley's Festival of Remembrance concert would take place at Dudley Town Hall on Thursday 6th November, 2014. All proceeds would go to the Royal British Legion Poppy Appeal.

(e) Remembrance Sunday – 9th November, 2014

The Mayor reported that the Remembrance Sunday event would be on 9th November, 2014.

(f) Armistice Day – 11th November, 2014

The Mayor reported that Armistice Day would be on Tuesday 11th November, 2014. A service would be held at the Clock Tower in Priory Street, Dudley.

31 **Capital Programme Monitoring**

A report of the Cabinet was submitted.

It was moved by Councillor D Sparks, seconded by Councillor P Lowe and

Resolved

- (1) That current progress with the 2014/15 Capital Programme, as set out in Appendix A to the report submitted, be noted and that budgets be amended to reflect the reported variances.
 - (2) That the increase in budget for the Clayton Park Outdoor Gym be approved and the Capital Programme amended accordingly, as set out in paragraph 5 of the report submitted.
 - (3) That the expenditure on the A459 pedestrian crossing improvements be approved and included in the Capital Programme, as set out in paragraph 6 of the report submitted.
 - (4) That the expenditure on the replacement of franking machines be approved and included in the Capital Programme, as set out in paragraph 7 of the report submitted.
 - (5) That the urgent amendment to the Capital Programme, as set out in paragraph 8 of the report submitted, be noted.
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32 **Change in Order of Business**

Pursuant to Council Procedure Rule 13(c) it was:-

Resolved

That the remaining items of business be considered in the following order:-

Agenda Item Nos. 5(c), 5(d), 6, 7, 5(b) and 8.

33 **Tenant Involvement Arrangements**

A report of the Cabinet was submitted.

It was moved by Councillor G Partridge, seconded by Councillor Lowe and

Resolved

- (1) That the disestablishment of the Area Housing Panels be approved.
 - (2) That support to tenants be offered in the development of a structure that will assist them in achieving their priorities as listed in paragraph 8 of the report submitted.
 - (3) That a transfer of responsibility from the Area Housing Panels to the Tenants Board to make recommendation(s) relating to expenditure of the Community Safety and Environment budget, be approved.
 - (4) That the Constitution and Terms of Reference of the Tenants Board, as set out in the Appendix to the report submitted, be approved.
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34 **Treasury Management**

A report of the Audit and Standards Committee was submitted.

It was moved by Councillor J Cowell, seconded by Councillor Lowe and

Resolved

- (1) That the treasury activities outlined in the report submitted be noted.
 - (2) That the amendments to the Council's investment strategy as detailed in Appendix 5 of the report submitted be approved.
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35 **Notice of Motion**

Pursuant to Council Procedure Rule 12, Councillor P Brothwood had given notice of a motion on 30th September, 2014.

The following motion was moved by Councillor P Brothwood and seconded by Councillor P Bradley.

“We move to request that Dudley Council consider holding a Borough Lottery. Proceeds after prizes and administration fees will be given to Charities within the Borough. The Charities and winners will be named online on the Dudley MBC website. We trust our colleagues within the Chamber will agree to this proposal and will assist us with setting up this venture.

Accordingly, this Council resolves to request the Director of Corporate Resources to investigate the feasibility and submit a report to the Cabinet or appropriate Committee at the earliest opportunity.”

During the debate on the above motion, pursuant to Council Procedure Rule 14.11, it was moved by Councillor G Partridge, duly seconded and

Resolved

That the question be now put.

Councillor P Brothwood exercised his right of reply to the debate pursuant to Council Procedure Rule 14.9.

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

36 **Questions under Council Procedure Rule 11**

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

37 **Review of Senior Management and Organisational Structure**

In view of their pecuniary interests, as declared earlier in the meeting, all Directors, Assistant Directors and the Treasurer left the Council Chamber during the consideration of this item.

A report of the Cabinet was submitted.

It was moved by Councillor D Sparks, seconded by Councillor Lowe and

Resolved

- (1) That the outcome of the formal consultations summarised in Appendix 2 of the report submitted and the comments of the Conservative Group and Overview and Scrutiny Management Board set out in Appendices 3 and 5 of the report submitted, be noted.
- (2) That the new senior management structure set out in Appendix 1 of the report submitted, be approved.

- (3) That the spot salaries for the new Strategic Director and Chief Officer posts as set out in paragraphs 10 and 11 of the report submitted, be approved.
- (4) That the policy and procedure for market forces supplements set out at Appendix 4 of the report submitted, be approved.
- (5) That the terms of reference of the Appointments Committee and the Appeals Committee as set out in paragraphs 15 and 18 of the report submitted, be amended.
- (6) That the Chief Executive be authorised to apply the approved policy on voluntary redundancies in accordance with paragraph 17 of the report submitted.
- (7) That the next phase of consultation on the 4th tier structure referred to in paragraph 20 of the report submitted, be noted.

Pursuant to Council Procedure Rule 16.4, at the demand of in excess of six members present at the meeting, the voting on the above resolution was recorded as follows:

For (34)

Councillors A Ahmed, K Ahmed, A Aston, M Aston, C Baugh, R Body, H Bills, D Branwood, K Casey, I Cooper, B Cotterill, J Cowell, K Finch, C Hale, M Hanif, R Harris, D Hemingsley, K Jordan, P Lowe, I Marrey, J Martin, M Mottram, G Partridge, C Perks, M Roberts, D Russell, D Sparks, E Taylor, H Turner, K Turner, S Turner, D Tyler, S Waltho and Q Zada.

Against (27)

Councillors M Attwood, N Barlow, C Billingham, D Blood, P Bradley, P Brothwood, D Caunt, W Duckworth, C Elcock, M Evans, B Etheridge, S Etheridge, N Gregory, P Harley, S Henley, R James, L Jones, I Kettle, P Miller, N Neale, H Rogers, R Scott-Dow, K Shakespeare, G Simms, A Taylor, D Vickers and M Wood.

38 **Urgent Business**

There was no urgent business raised under the provisions of the Local Government Act 1972.

The meeting ended at 8.10pm

MAYOR

CL/32