



Annual Meeting of the Council
Thursday, 5th June, 2014 at 6.00pm
in the Council Chamber at the Council House,
Priory Road, Dudley

You are hereby summoned to attend the annual meeting of the Dudley Metropolitan Borough Council for the purpose of transacting the business set out in the numbered agenda items listed below.

Agenda - Public Session
(Meeting open to the public and press)

Prayers.

1. To elect the Mayor of the Borough for the 2014/2015 Municipal Year
2. The Mayor to make and subscribe to the required declaration
3. To elect the Deputy Mayor of the Borough for the 2014/2015 Municipal Year

NB: Following the election of the Deputy Mayor, there will be a short adjournment to enable Re-Robing to take place

4. The Deputy Mayor to make and subscribe to the required declaration

NB: Following this item there will be speeches by the new and former Mayor and the presentation of badges

5. Minutes (Pages CL/52 to CL/56)

To approve as a correct record and sign the minutes of the meeting of the Council held on 14th April, 2014

6. Mayor's announcements and apologies for absence
7. To receive any declarations of interest under the Members' Code of Conduct

Continued...

8. Appointment and Membership of the Cabinet, Committees and Community Forums for 2014/15 and related matters (Pages 1 - 10)
9. Constitution and Scheme of Delegation (Pages 11 - 12)
10. Ordinary meetings of the Council, Cabinet, Committees and Community Forums for 2014/15 (Pages 13 - 14)
11. Appointments/Nominations to Outside Bodies (Pages 15 – 16)
12. To consider any business not on the agenda which by reason of special circumstances the Mayor is of the opinion should be considered at the meeting as a matter of urgency under the provisions of the Local Government Act 1972.



Director of Corporate Resources

Dated: 28th May, 2014

Distribution: All Members of the Council

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- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.
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- If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, please contact the officer below in advance and we will do our best to help you.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk
- The Democratic Services contact officer for this meeting is Steve Griffiths, Telephone 01384 815235 or E-mail steve.griffiths@dudley.gov.uk

DUDLEY METROPOLITAN BOROUGH

MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON MONDAY 14TH APRIL, 2014
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY

PRESENT: -

Councillor A Finch (Mayor)
Councillor M Aston (Deputy Mayor)
Councillors A Ahmed, K Ahmed, Ali, Mrs Ameson, A Aston, Attwood, Baugh, Mrs Billingham, Bills, Blood, Body, Boleyn, Branwood, Burston, Casey, Caunt, Cotterill, Cowell, Crumpton, Elcock, Evans, K Finch, Foster, Hale, Hanif, Harley, Hemingsley, Herbert, Hill, Islam, James, J Jones, L Jones, Jordan, Kettle, Lowe, J Martin, Miller, Mottram, Ms Nicholls, Partridge, Perks, Ridley, Roberts, Mrs Rogers, Russell, Mrs Shakespeare, Mrs Simms, Sparks, Sykes, Taylor, Mrs H Turner, K Turner, S Turner, Tyler, Vickers, Mrs Walker, Waltho, Mrs Westwood, C Wilson, M Wilson, Wood, Wright and Zada, together with the Chief Executive and other Officers.

PRAYERS

The Mayor's Chaplain led the Council in prayer.

62 **APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Arshad, Duckworth, Harris, Marrey, Mrs P Martin and Woodall.

63 **DECLARATIONS OF INTEREST**

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

Councillors Hemingsley and Mrs Simms – Minute No. 17(1) of the Kingswinford North and Wall Heath/Kingswinford South and Wordsley Community Forum (Area Grants) – Non-pecuniary interests in relation to the funding application submitted by the Friends of Wordsley Park - as Members of the Committee.

Councillor Tyler – Minute No. 17(1) of the Kingswinford North and Wall Heath/Kingswinford South and Wordsley Community Forum (Area Grants) – Non-pecuniary interest in relation to the funding application submitted by Dawley Brook Supporters Association (Scout and Guides) in view of his wife being President of the Himley Division Guide Association.

Councillor Russell – Minute No. 28(1) of the Belle Vale/Hayley Green and Cradley South Community Forum (Community Forum Funding) – Non-pecuniary interest in relation to the funding application submitted by Hasbury Community Association as a Director on the Board of the Association.

Councillor Boleyn – Minute No. 26 of the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee (Quarterly Corporate Performance Management Report) – Non-pecuniary interest due to her employment by the Trustees of British Glass Foundation.

Councillor Zada – Minute No. 76 of the Development Control Committee (Planning Applications P14/0042 and P14/0043 – 43 Halesowen Road, Netherton) – Non-pecuniary interest as he knew the applicant.

Councillor Vickers – Minute No. 62 of the Cabinet (Revenue Budget Strategy and Setting the Council Tax 2014/15) – Non-pecuniary interest as the Chair of the Tenterfields Children’s Centre Management Committee.

Councillor Evans – Minute No. 62 of the Cabinet (Revenue Budget Strategy and Setting the Council Tax 2014/15) – Non-pecuniary interest as a Member of the Advisory Board of the Queen Victoria Children’s Centre.

Councillors Evans and Sparks – Minute No. 77 of the Cabinet (Dudley Town Centre Regeneration) and associated matters - Non-pecuniary interests as Directors of Dudley Zoo.

Councillor Wright – Any references to Midland Heart – Non-pecuniary interest as a tenant of Midland Heart.

Councillor Crumpton – All matters affecting schools – Non-pecuniary interest as a relative worked as a supply teacher.

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

Councillors A Finch, M Aston and K Finch – Agenda Item No. 5(a) – Capital Programme Monitoring (Priory Park Improvements) – Non-pecuniary interests as attendees at meetings of the Friends of Priory Park.

Councillor Miller – Delegated Decision Summary 14 (New Instrument of Government for Glynne Primary School) – Non-pecuniary interest as a School Governor.

Councillor Burston – Minute No. 79 of the Cabinet (Rail Devolution) – Non-pecuniary interest due to employment with CENTRO.

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

Councillor Mrs Simms – Issues relating to Looked After Children – Non-pecuniary interest in view of working with independent foster carers who had Dudley children placed with them, through employment with St Christopher’s Fellowship.

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

Councillor Boleyn – Any references to the British Glass Foundation – Pecuniary interest in view of her employment as Secretary to the Trustees.

64 MINUTES

RESOLVED

That the minutes of the meetings of the Council held on 24th February and 3rd March, 2014, be approved as correct records and signed.

65 MAYOR'S ANNOUNCEMENTS

(a) Sycamore Adventure - Old Park Farm Estate, Dudley

The Mayor reported that the Sycamore Adventure had received a National Playwork Award. Following remarks by Councillor Crumpton, the Mayor presented the award to representatives of the Sycamore Adventure and the Council expressed congratulations to all concerned regarding this outstanding achievement.

(b) Charity Cricket Match – 20th June, 2014

The Mayor reported that the Members and Officers Charity Cricket Match would be held on 20th June, 2014 at 6.00pm at Stourbridge Cricket Club.

(c) St George's Day Events – 26th April, 2014

The Mayor reported on the St George's Day celebrations and events in Brierley Hill Town Centre on 26th April, 2014.

(d) Mayor's Ball

The Mayor thanked everyone who had attended the Mayor's Ball and contributed to the Mayor's Charity Fund.

(e) Councillors Not Seeking Re-election

The Mayor reported that Councillors Burston, Ms Nicholls, Mrs Walker, C Wilson and Woodall were not seeking re-election on 22nd May, 2014. Tributes were paid to the dedicated public service given by those Members and the Council expressed its best wishes for the future.

66 CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

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

RESOLVED

- (1) That current progress with the 2013/14 Capital Programme, as set out in Appendix A to the report, be noted and that budgets be amended to reflect the reported variance.
- (2) That in respect of the Mortgage Rescue Scheme, expenditure of £500,000 plus the value of any associated Homes and Communities Agency Grant be added to the public sector housing capital programme over 5 years, and that the Director of Corporate Resources be authorised to acquire properties suitable for Mortgage Rescue on behalf of the Council, as set out in paragraph 5 of the report.
- (3) That subject to the application for funding being successful the Schools Energy Efficiency project be approved and included in the Capital Programme, as set out in paragraph 6 of the report.
- (4) That the recommendations of the Cabinet concerning Dudley Town Centre Regeneration, as set out in paragraph 7 of the report, be approved.

67 ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY MANAGEMENT BOARD 2013/14

A report of the Overview and Scrutiny Management Board was submitted.

The Chair of the Overview and Scrutiny Management Board thanked members and officers for their support in implementing the revised scrutiny arrangements during 2013/14.

It was moved by Councillor Ridley, seconded by Councillor Lowe and

RESOLVED

That the annual report of the Overview and Scrutiny Management Board for 2013/14 be received and noted.

68 NOTICE OF MOTION

Pursuant to Council Procedure Rule 12, Councillor K Turner had given notice of a motion on 24th February, 2014.

The following motion was moved by Councillor K Turner and seconded by Councillor Mrs H Turner.

“This Council agrees to formation of adoption of Scrutiny and Statutory Committees to be chaired by opposition members, providing effective debate and response to Cabinet for their recommendations to Council.

We further agree that no Special Responsibility Allowance be paid to Chairman or Vice-Chairman of any Scrutiny or Statutory Committees.

We all agree that our principal aims in accepting election is to serve our constituents and these actions will demonstrate our true commitment.”

It was moved by Councillor L Jones, duly seconded and

RESOLVED

That the question be now put.

Councillor K Turner 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.

69

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.

The meeting ended at 7.10 p.m.

MAYOR

Annual Meeting of the Council – 5th June, 2014

Report of the Director of Corporate Resources

Appointment and Membership of the Cabinet, Committees and Community Forums for 2014/15 and Related Matters

Purpose of Report

1. To receive a report of the Leader on the appointment of the Deputy Leader and Members of the Cabinet and to consider the appointment and membership of Committees and a number of related matters for the 2014/15 municipal year.

Background

Appointment of the Deputy Leader and Members of the Cabinet

2. Article 7 of the Council's Constitution prescribes that the Cabinet will consist of the Leader together with at least 2, but not more than 9 other Councillors appointed to the Cabinet by the Leader. Under Article 7, it is the responsibility of the Leader to maintain the list of responsibilities and executive functions allocated to Cabinet Members.
3. The Leader is proposing that the Cabinet comprises of 10 members (including himself) with the designations shown on the lists to be circulated at the meeting. The list of responsibilities and executive functions allocated to Cabinet Members is set out under Part 3 of the Constitution and these will be updated accordingly.
4. The Leader will report at the meeting on the appointment of the Deputy Leader and the designation of Cabinet Members for the 2014/15 municipal year, as set out in the lists to be circulated at the meeting. The Constitution provides that Cabinet Members appointed by the Leader shall hold office until:
 - (a) they resign from office; or
 - (b) they are no longer Councillors; or
 - (c) they are suspended from being councillors (although they may resume office at the end of the period of suspension); or
 - (d) they are removed from office, either individually or collectively, by the Leader.

5. Cabinet Procedure Rules provide that other political groups on the Council may nominate Members from their Group to attend meetings of the Cabinet. Such Members may speak at the meeting, but may not vote. The Opposition Group nominations will be made in accordance with proportionality.

Appointment and Membership of Committees

6. The Council's Procedure Rules prescribe that the Council, at its Annual Meeting, will appoint at least one Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions, and will:
 - (a) decide the size and terms of reference for Committees;
 - (b) appoint Chairs and Vice-Chairs for Committees;
 - (c) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
 - (d) receive nominations of Councillors to serve on each Committee.

The proposals of the majority group in respect of issues (a) to (c) above and the nominations of the political groups regarding Members to serve on each Committee will be circulated at the meeting.

7. There are currently three political groups represented on the Council:-

Labour (40 seats)

Conservative (20 seats)

UKIP (9 seats)

(NB: There are 2 Independent Conservative Councillors and 1 Councillor representing the Green Party)

The Regulations provide that a political group is constituted where two or more Members of the Council give notice that they wish to be treated as a group.

8. Under Sections 15 and 16 of the Local Government and Housing Act 1989, the Council is required to provide for political balance on Committees. It is proposed that the composition of the following Committees be determined in accordance with political balance:

Overview and Scrutiny Management Board

Scrutiny Committees (x5)

Appeals Committee

Appointments Committee

Audit and Standards Committee

Development Control Committee

Ernest Stevens Trusts Management Committee

Licensing and Safety Committee

Taxis Committee

9. The political balance 'rules' provide that political groups are entitled to be allocated seats on Committees in accordance with the proportion of seats they hold on the Council.

10. Section 17 of the Local Government and Housing Act 1989, authorises the Council to approve different arrangements (eg: not reflecting political balance) provided no Member of the Council votes against them.

Terms of Reference and Onward Delegation of Functions

11. The terms of reference and onward delegation of functions are set out in Part 3 of the Constitution.

Appointment of Co-opted Representatives to Serve on the Children's Services Scrutiny Committee and the Health Scrutiny Committee

12. The Council has previously appointed co-opted representatives to serve on the Children's Services Scrutiny Committee. The persons appointed in 2013/14 were as follows:-

Non-Elected Voting Members

Parent Governor Representatives
Secondary Schools - Vacancy
Primary Schools - Vacancy
Special Schools - Vacancy

Church Representatives
Worcester Diocesan Board of Education – Revd Wickens
Archdiocese of Birmingham – Mrs Ward

Non-elected, Non-voting Members

Teacher Representatives:
Primary Education – Mrs Verdegem or Ms Sinden
Secondary/Special Education – Mr Lynch or Mr Nesbitt

Church Representative:
Free Churches – Mr Taylor

Persons with experience of and interest in Education in the Borough:
Mrs Coulter
Mr Ridley

13. On 29th April, 2014, the Overview and Scrutiny Management Board considered the composition and membership of the Children's Services Scrutiny Committee with particular reference to the need to reflect the wider remit of the Scrutiny Committee in future. The Board noted the existing provisions in the Council's Constitution and the statutory regulations that remain in force concerning the appointment of co-opted members for education issues. The Board resolved that a further report be submitted to its next meeting to review the composition and membership of the Children's Services Scrutiny Committee. Pending such consideration, the Council is recommended to re-appoint the existing co-opted members. The statutory co-opted members will also be required to serve on any meetings of the Overview and Scrutiny Management Board that may be necessary to determine scrutiny 'call ins', insofar as they concern education issues.

14. The Health Scrutiny Committee assists the Council to fulfil statutory scrutiny functions and respond to the provisions of the Health and Social Care Act 2012. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 make provision for greater flexibilities for local authorities in discharging health scrutiny functions. These include obligations on NHS bodies, relevant health service providers and local authorities concerning consultation on substantial developments or variations to services to aid transparency and local agreement. The requirements of the Regulations are reflected in the functions of the Health Scrutiny Committee. A co-opted member representing Healthwatch was co-opted onto the Committee in the last municipal year and it is proposed that this should continue for 2014/15.
15. In order to mitigate any delay in their serving, the Council has previously authorised the Director of Corporate Resources, in consultation with the Leader, to appoint non-elected co-opted Members to fill any vacancies that might arise from time to time. Approval is requested for the same facility to apply in 2014/15.

Licensing Act 2003 – Statutory Functions

16. In accordance with the Licensing Act 2003, the Council is required to make provision for the appointment of a Licensing Committee to undertake functions relating to liquor licensing. The Licensing and Safety Committee undertakes the statutory functions under the 2003 Act, with the exception of the approval of the licensing policy and any other specific functions that may be reserved to full Council. The Committee comprised 12 Members in 2013/14. In practice, the majority of licensing applications are dealt with by the Licensing Sub-Committees. For 2014/15, it is proposed to appoint Licensing Sub-Committees on the same basis as the previous year. The establishment of the Sub-Committees, together with the appointment of Members and allocation of functions, will be considered at the first meeting of the main Committee in the 2014/15 municipal year.
17. The Council has previously decided to waive the proportionality requirement in respect of the Licensing Sub-Committees. It is proposed that the waiver be re-affirmed for 2014/15.

Appeals Committee

18. The Appeals Committee has delegated powers to determine all appeals in cases where a right of appeal to elected members exists under any of the Council's policies or procedures.
19. The Appeals Committee comprises 9 elected members in total. It is proposed that for 2014/15, the Director of Corporate Resources be authorised, in consultation with the Chair, to select 3 or 5 elected Members from the 'pool' of 9 Members to serve as appropriate to the individual appeal case being determined (eg: 3 Members for school transport appeals or 5 Members for employment related disciplinary appeals). The selection of members will be done in line with overall political proportionality. Training will be provided to Members prior to their hearing any individual appeals.

West Midlands Police and Crime Panel

20. The West Midlands Police and Crime Panel is established as a joint Committee of the 7 West Midlands District Councils, with a membership of 12 elected members and 2 co-opted members . The membership of the Panel comprises a Councillor from each of the 7 West Midlands Councils plus 5 additional elected members to be appointed on the basis of 2 from Birmingham City Council; 2 to be jointly nominated by the Black Country Councils and 1 member to be jointly nominated by Coventry City Council and Solihull Metropolitan Borough Council. As in 2013/14, the Council is requested to endorse the establishment of the West Midlands Police and Crime Panel as a joint Committee on the basis outlined above. A report elsewhere on the agenda deals with the appointment of this Council's representative to this body (and a named substitute) for the 2014/15 municipal year.

Integrated Transport Authority (ITA)

21. Changes to the terms of reference for the West Midlands Joint Committee, including the creation of an interim Shadow ITA were approved by the Council on 2nd December, 2013. Approval of the Secretary of State for Transport has now been given to the revised future governance arrangements in relation to the ITA. The Membership of the new ITA will comprise 7 members nominated by the individual authorities forming the geographic area of the ITA, who will lead on strategy, prioritisation, commissioning and seeking new investment on transport for the area. Each authority in the West Midlands is recommended to appoint its Leader to reflect the greater use of West Midlands Leaders to assist with effective regional decision-making.
22. The new ITA and the 7 Metropolitan Districts also need to form a Joint Committee called 'Centro Members'. This will initially have a membership of 27 appointed in the same way as previously done for the former ITA. This Joint Committee will take responsibility for operational transport matters and, as required, advise the new ITA on matters referred to them. They will form appropriate sub-committees as necessary to direct Centro's delivery role. Assurance has been given to the Secretary of State that the new ITA will conduct a review of the membership of Centro Members in the coming year and this will be carried out.
23. The Terms of Reference for the new ITA and for Centro Members are available on the Council's Internet site (via the Committee Management Information System) and copies are available from Democratic Services (Tel: 01384 815235). The Council is recommended to note the governance arrangements of the ITA and to endorse the establishment of the Joint Committee to be known as Centro Members. The appointment of this Council's representative(s) is dealt with under a separate agenda item. It is also recommended that the Director of Corporate Resources be authorised to take any consequential action that is required, including agreeing and entering into any such documentation, as may be necessary in connection with this matter.

Substitute Members of Committees

24. Council Procedure Rules 5.2, 5.3 and 5.4 currently provide for the appointment of substitute Members of Committees. The arrangements for the appointment of substitute Members, as set out in the Council Procedure Rules, have worked successfully and it is recommended that they be continued in 2014/15.

Members should note that the Council Procedure Rules provide that a substitute Member shall only be appointed in that capacity if he/she is otherwise eligible to serve on the body concerned. This would include a requirement, particularly in the case of quasi-judicial meetings (eg: Development Control Committee and Appeals Committee), that the Member concerned has undertaken any necessary training as required by the Council.

Changes in Committee Memberships

25. Regulations made under the Local Government and Housing Act 1989 require the Council's Committees to reflect the overall political balance of the Council and take account of the wishes of political groups when allocating Members to Committees. From time to time during the municipal year, it may be necessary for changes to be made in the allocation of Committee Memberships to reflect the wishes of the political groups. It is therefore recommended that the Director of Corporate Resources be authorised to make any such changes that might arise from time to time in accordance with the instructions of the Leaders of the political groups.

Dudley Health and Wellbeing Board

26. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 make provision for the disapplication and modification of certain enactments relating to local authority committees, including the rules on proportionality. The Regulations aim to provide local areas with the flexibility and freedom to shape health and wellbeing boards to fit local circumstances.
27. The Dudley Health and Wellbeing Board is established under Section 194 of the Health and Social Care Act 2013. It is recommended that the Board be established in 2014/15 on the same basis as in the previous municipal year. The elected Members nominated to serve on the Board for 2014/15 will, therefore, be as follows:

Cabinet Member for Health and Wellbeing
Cabinet Member for Adult and Community Services
Cabinet Member for Children's Services and Lifelong Learning
Main Opposition Spokesperson for Health and Wellbeing

Community Forums

28. During the previous municipal year, the Council established 10 Community Forums. In 2013/14, the Community Forums comprised the elected representatives of the following wards:-

- Amblecote/ Cradley and Wollescote/ Lye and Stourbridge North
 - Belle Vale/ Hayley Green and Cradley South
 - Brierley Hill/Brockmoor and Pensnett
 - Castle and Priory/ St James's/ St Thomas's
 - Coseley East/ Sedgley
 - Gornal/ Upper Gornal and Woodsetton
 - Halesowen North/Halesowen South
 - Kingswinford North and Wall Heath/Kingswinford South/Wordsley
 - Netherton, Woodside and St Andrew's/ Quarry Bank and Dudley Wood
 - Norton/Pedmore and Stourbridge East/Wollaston and Stourbridge Town
29. The political balance rules do not apply to Community Forums as these are not Committees of the Council and comprise all the ward Councillors for the areas concerned.
30. The appointment of the Chairs and Vice-Chairs of Community Forums will be considered at the first meeting of each Forum in the municipal year.
31. The Community Forums have been, and will continue to be, the subject of an ongoing review process. The Overview and Scrutiny Management Board considered a full review report on 29th April, 2014. The Board approved various proposals to build on successes to date and improve the Community Forums for the future. In particular, the Chairs and Lead Officers are being asked to establish priorities and an improvement agenda for individual Forums at the start of the municipal year. To facilitate this process, and to allow a discussion on the future of Community Forum grants, a meeting of Chairs/Vice-Chairs and Lead Officers will shortly be arranged.

Finance

32. The financial implications arising from the proposals in this report will be met from existing resources.

Law

33. The relevant statutory provisions regarding the Constitution and arrangements with respect to executives are contained in Part II of the Local Government Act, 2000, as amended by the Local Government Public Involvement in Health Act 2007, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State. The rules on proportionality are contained in the Local Government and Housing Act 1989 and associated regulations.

34. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act 1972.
35. Seats on Committees must be allocated to political groups on a proportional basis in accordance with Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.
36. If it so wishes, the Council may resolve not to apply the proportionality rules in respect of one or more Committees, but such a resolution must be passed with no Member of the Council voting against it (Section 17 of the 1989 Act).
37. The rules on proportionality do not apply to Community Forums because the Forums are not Committees of the Council and they comprise all the ward councillors for the areas concerned.
38. The implications of the Localism Act 2011 have been reflected in this report, including the freedoms to consider governance structures and the provisions relating to standards.
39. The duty to allocate seats on a politically proportional basis does not apply to a Licensing Committee or to Sub-Committees established under the statutory requirements of the Licensing Act 2003. However, the proportionality duty does apply to the Licensing and Safety Committee in discharging other licensing functions not covered by the 2003 Act (eg functions under the Gambling Act 2005). The Council has previously agreed that the proportionality requirements of Section 15 of the Local Government and Housing Act 1989 should not apply to the Licensing Sub-Committees established by the Licensing and Safety Committee, to enable them to deal with all licensing business requiring Member determination. It is recommended that this should also apply to any Sub-Committee established by the Audit and Standards Committee to consider complaints against Members under the Council's standards arrangements.
40. The rules on proportionality do not apply to the Dudley Health and Wellbeing Board established under Section 194 of the Health and Social Care Act 2013. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 specifically disapply the proportionality rules in respect of Health and Wellbeing Boards.
41. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act 2000 together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
42. The effects and principles contained in Section 499 of the Education Act, 1996, DFES Circular 19/99 and the Education (Parent Governor Representatives) Regulations 2001 are reflected in the proposals in respect of the current appointment of co-opted representatives to serve on the Children's Services Scrutiny Committee.
43. The provisions relating to the establishment of the Police and Crime Panel are contained in the Police Reform and Social Responsibility Act 2011. The West Midlands Police and Crime Panel is established as a joint Committee of the 7 West Midlands District Councils.

44. Changes to the governance arrangements in respect of the Integrated Transport Authority were confirmed by the Secretary of State for Transport in the West Midlands Integrated Transport Authority (Decrease in Number of Members) Order 2014. The body to be known as 'Centro Members' will be established as a joint Committee of the 7 West Midlands District Councils.

Equality Impact

45. The requirements to consider the Council's policies with regard to equality, along with duties under the Equality Act 2010, are fully reflected in the Council's governance structures and decision-making processes. Decisions taken by the Council, the Cabinet and its Committees during the year on policy issues and the implementation of the Council Plan framework will involve actions to promote equality and in relation to children and young people.

Recommendations

46. That the Council note the report of the Leader on the appointment of the Deputy Leader and Members of the Cabinet for the 2014/15 municipal year, as set out in the list circulated at the meeting, together with the designations of Cabinet Members.
47. That the structure of Committees be approved on the basis set out in this report and the lists circulated at the meeting.
48. That the terms of reference and functions of Committees, as set out in Part 3 of the Constitution, be approved.
49. That, with the exceptions referred to in this report, the composition and Membership of Committees for the 2014/15 municipal year be determined in accordance with the political balance requirements of Sections 15 and 16 of the Local Government and Housing Act 1989, as shown on the lists to be circulated at the meeting.
50. That with regard to the Children's Services Scrutiny Committee and the Health Scrutiny Committee, the proposals in relation to co-opted representatives and the arrangements for the filling of vacancies for co-opted Members as referred to in paragraphs 12 to 15, be approved.
51. That the statutory co-opted representatives serving on the Children's Services Scrutiny Committee be appointed to serve on the Overview and Scrutiny Management Board for the duration of any meetings that are necessary to determine any scrutiny 'call ins', insofar as they concern education issues only.
52. That the Licensing and Safety Committee be appointed in 2014/15 to undertake the statutory Committee functions in accordance with the Licensing Act 2003 and that the Committee comprise 12 Members.

53. That the Council confirm that the proportionality requirements of the Local Government and Housing Act 1989 shall not apply to Licensing Sub-Committees established by the Licensing and Safety Committee or to any Sub-Committee established by the Audit and Standards Committee to hear complaints against Members under the Members' Code of Conduct.
54. That the Council endorse the continued establishment of the West Midlands Police and Crime Panel as a joint Committee of the 7 West Midlands District Councils on the basis referred to in paragraph 20.
55. That the governance arrangements of the Integrated Transport Authority be noted; that the establishment of the Joint Committee to be known as Centro Members be approved on the basis set out in paragraphs 22 and 23; and that the Director of Corporate Resources be authorised to take any necessary and consequential actions that may be required in connection with this matter.
56. That the arrangements for substitutes on Committees, as set out in Council Procedure Rules 5.2 to 5.4, be reaffirmed for the 2014/15 municipal year.
57. That the Director of Corporate Resources be authorised to make any necessary changes to the appointments to Committees that might arise from time to time during the 2014/15 municipal year in accordance with the instructions of the political groups.
58. That Community Forums be established, on the basis outlined in paragraphs 28 to 31.
59. That the Dudley Health and Wellbeing Board be established in 2014/15 on the same basis as in the previous municipal year, as set out in paragraph 27.
60. That the appointment of Chairs and Vice-Chairs be approved in accordance with the list to be circulated at the meeting (with the exception of Community Forums and the Dudley Health and Wellbeing Board who appoint their own).
61. That the Director of Corporate Resources be authorised to take any necessary and consequential actions that are required to implement the proposals contained in this report.



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Philip Tart
Director of Corporate Resources

Annual Meeting of the Council – 5th June, 2014

Report of the Director of Corporate Resources

Constitution and Scheme of Delegation

Purpose of Report

1. To seek the Council's affirmation of the Constitution and the Scheme of Delegation for the 2014/15 municipal year, subject to the incorporation of any necessary and consequential amendments arising from the decisions taken at this meeting.

Background

2. The Council's Constitution prescribes that the Scheme of Delegation shall be agreed at the Annual Meeting.
3. The Scheme of Delegation, as set out in Part 3 of the Constitution, was first approved at the meeting of the Council held on 29th April, 2002. The Council has approved a considerable number of amendments to the Constitution since then. Under Article 7, it is the responsibility of the Leader to maintain the list of responsibilities and executive functions allocated to Cabinet Members.
4. The Constitution requires frequent updating to reflect changes in legislation and Statutory Instruments, Regulations and Guidance issued under various statutory provisions. As the Council's Monitoring Officer, I maintain the Constitution and ensure that it is widely available for consultation by members, staff and the public. The Constitution is available on the [Council's Website](#). A full copy of the Constitution is also available for inspection in the Member's Room and from the Democratic Services Section (Tel: 01384 815235).
5. As in previous years, I will submit a report on the annual review of the Constitution to the Cabinet and the Council in the October/November cycle of meetings.

Finance

6. The financial implications arising from the adoption and maintenance of the Council's Constitution are met from within existing resources.

Law

7. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.

Equality Impact

8. The Council's Constitution sets out the arrangements made by the Council for the proper discharge of all of its powers, duties and functions, including those relating to equality and in respect of children and young people.

Recommendations

9. That the Constitution and Scheme of Delegation be reaffirmed for the 2014/15 municipal year.
10. That the Director of Corporate Resources be authorised to make any necessary and consequential amendments to the Constitution arising from decisions made at this meeting and to reflect any ongoing changes in legislative requirements.
11. That all references in the Constitution to statutory provisions be taken to include any subsequent legislation, Statutory Instruments, Regulations, Orders or Guidance issued under those statutory provisions.



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Philip Tart
Director of Corporate Resources

Annual Meeting of the Council – 5th June, 2014

Report of the Director of Corporate Resources

Ordinary Meetings of the Council, Cabinet, Committees and Community Forums for 2014/15

Purpose of Report

1. To approve a programme of ordinary meetings of the Council, Cabinet, Committees and Community Forums for the 2014/15 municipal year.

Background

2. The Council's Constitution prescribes that the programme of ordinary meetings for the year be approved at the Annual Meeting of the Council.
3. A schedule of proposed meeting dates for the 2014/15 municipal year will be circulated to Members of the Council in advance of the meeting.

Finance

4. The financial implications arising from the organisation of Council, Cabinet, Committee and Community Forum meetings during 2014/15 will be met from approved budgets.

Law

5. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000 together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.

Equality Impact

6. This report has no direct implications for the Council's policies with regard to equality. Decisions taken by the Council, the Cabinet and Committees during the year on policy issues and the implementation of the Council Plan framework will involve actions to promote equality and in relation to children and young people.

Recommendation

7. That the programme of ordinary meetings of the Council, Cabinet, Committees and Community Forums for the 2014/15 municipal year, as set out in the schedule to be circulated, be approved.



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Philip Tart
Director of Corporate Resources

Annual Meeting of the Council –5th June, 2014

Report of the Director of Corporate Resources

Appointments/Nominations to Outside Bodies

Purpose of Report

1. To authorise the Director of Corporate Resources, in consultation with the Leader of the Council, to make appointments/nominations to certain outside bodies in view of the urgency involved in making such appointments/nominations.

Background

2. It is proposed that the Director of Corporate Resources, in consultation with the Leader, make appointments/nominations to the following outside bodies in view of the urgency involved in making such appointments/nominations:-

Local Government Association
West Midlands Employers
West Midlands Joint Committee
Black Country Strategic Transport Board
West Midlands Fire and Rescue Authority and “Prime Member”
Integrated Transport Authority and any associated appointments, including Centro Members
West Midlands Police and Crime Panel and substitute(s)
Birmingham Airport Holdings Ltd – Board of Directors
Dudley and West Midlands Zoological Society Limited – Executive Board
North Priory Project Board
Black Country Local Enterprise Partnership (LEP)
PSP Dudley Limited Liability Partnership – Members Board
Black Country Executive Joint Committee
Black Country Living Museum Trust
Black Country Consortium Limited - Directors

3. The appointments/nominations referred to in this report are urgent given the timetabling of the meeting of the Cabinet in July, 2014. In accordance with the Scheme of Delegation contained in the Constitution of the Council, the appointments/nominations to be made to other bodies are usually referred to the next meeting of the Cabinet.

Finance

4. The financial implications arising from these appointments/nominations will be met from existing resources.

Law

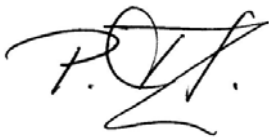
5. The statutory provisions relating to the above matters are contained in Section 111 of the Local Government Act, 1972, Sections 15-18 of the Local Government and Housing Act, 1989, and the relevant provisions of the Local Government Act, 2000.

Equality Impact

6. This report has no direct implications for the Council's policies with regard to equality. Depending on the nature of the organisations concerned, their activities will impact to a greater or lesser extent on equality and diversity issues, community groups or on services to children and young people.

Recommendations

7. That the Director of Corporate Resources, in consultation with the Leader of the Council, be authorised to make appointments/nominations to the bodies referred to in paragraph 2 of this report, in view of the urgency involved in making these appointments/nominations.
8. That the appointment of Members to serve on various other outside bodies be reported to the next meeting of the Cabinet .



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Philip Tart
Director of Corporate Resources