

## **Annual Meeting of the Council**

**Thursday, 18<sup>th</sup> May, 2023 at 6.00pm  
at Dudley College of Technology  
The Broadway, Dudley, DY1 4AS**

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 2023/24 Municipal Year
2. The Mayor to make and subscribe to the required declaration
3. To elect the Deputy Mayor of the Borough for the 2023/24 Municipal Year

*Note: There will be a short adjournment to enable robing to take place*

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

*Note: There will be speeches by the new and former Mayor and the presentation of badges*

5. Apologies for absence

6. Minutes (Pages 5-16)

To approve as a correct record and sign the minutes of the meetings of the Council held on 17<sup>th</sup> April, 2023

7. Mayor's announcements

8. To receive any declarations of interest under the Members' Code of Conduct

9. Leader of the Council (Pages 17-19)

10. Appointment and Membership of the Cabinet and Committees for 2023/24 and related matters (Pages 20-30)

11. Constitution and Scheme of Delegation (Pages 31-33)

12. Programme of Meetings for 2023/24 (Pages 34-36)

13. Appointments/Nominations to Other Bodies (Pages 37-39)

14. 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



**Kevin O'Keefe**  
**Chief Executive**

Dated: 10<sup>th</sup> May, 2023

Distribution:

All Members of the Council

## **Health and Safety**

Please note the following information when attending meetings:-

- Do not attend if you feel unwell; if you have tested positive for Covid-19; if you are self-isolating or if you suspect that you are symptomatic.
- Sanitise your hands when arriving and leaving the building and wash your hands regularly.
- People suffering from long term conditions or living with vulnerable people are encouraged to wear face masks in meeting rooms, communal areas and when moving around the building.
- All people are encouraged to be vaccinated to limit any potential ill-health effects.
- Be respectful of everyone's personal space and preferences when you attend meetings.
- If you cannot maintain distancing or in a crowded environment, please wear a mask

## **Public Seating**

- Seating is subject to limits on capacity and will be allocated on a 'first come' basis.

## **Toilets**

- Toilet facilities are available on site and are subject to safety measures that are in place. All the toilets have hand washing facilities.

## **No smoking**

- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

## **In Case of Emergency**

- 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.

## **Submitting Apologies for Absence**

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below).

## **Private and Confidential Information**

- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.

## **Recording and Reporting**

- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- The public session of this meeting will be recorded and broadcast on the Council's YouTube Channel. The webcast can be viewed by clicking on the following link  
<https://www.youtube.com/user/dudleymbc>

## **General**

- Information about the Council and our meetings can be viewed on the website [www.dudley.gov.uk](http://www.dudley.gov.uk)

## **If you need advice or assistance**

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail  
[Democratic.Services@dudley.gov.uk](mailto:Democratic.Services@dudley.gov.uk)

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**Minutes of the proceedings of the Council  
Monday, 17th April, 2023 at 6.00pm  
in the Town Hall, St James's Road, Dudley**

**Present:**

Councillor S Greenaway (Mayor)  
Councillor A Goddard (Deputy Mayor)  
Councillors R Ahmed, S Ali, A Aston, M Aston, P Atkins, C Barnett, C Bayton, D Bevan, I Bevan, H Bills, R Body, D Borley, S Bothul, P Bradley, R Buttery, K Casey, B Challenor, S Clark, R Clinton, R Collins, D Corfield, J Cowell, T Creed, T Crumpton, A Davies, P Dobb, P Drake, C Eccles, J Elliott, M Evans, K Finch, J Foster, M Hanif, D Harley, P Harley, S Henley, A Hopwood, M Howard, A Hughes, L Johnson, S Keasey, I Kettle, E Lawrence, P Lee, A Lees, K Lewis, P Lowe, J Martin, A Millward, S Mughal, N Neale, S Phipps, K Razzaq, S Ridney, M Rogers, P Sahota, D Stanley, W Sullivan, A Taylor, E Taylor, L Taylor-Childs, M Westwood, T Westwood and Q Zada together with the Deputy Chief Executive and other Officers

**Prayers**

The Mayor's Chaplain led the Council in prayer.

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64 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors J Clinton, P Miller, T Russon, S Saleem and K Shakespeare.

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65 **Declarations of Interest**

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

Councillor A Aston – Pecuniary interest in any matters directly affecting his employment by the West Midlands Ambulance Service.

Councillor M Evans and A Taylor - Any matters relating to Castle Hill development and all references to Dudley Zoo - Non-pecuniary interests as Members of Dudley and West Midlands Zoological Society Limited.

Councillors D Stanley and A Taylor - West Midlands Combined Authority – Transport Delivery Committee - Non-pecuniary interest as Members of the Committee.

Councillor K Casey – Any references to West Midlands Combined Authority – Pecuniary interest in any matters directly affecting his employment with West Midlands Combined Authority.

Councillor I Bevan – Any references to Dudley Group NHS Foundation Trust/Russells Hall Hospital – Pecuniary interest in any matters directly affecting his employment.

Councillor Q Zada – Any references to health issues and any matters affecting his portfolio of property investments. Pecuniary interest in any matters directly affecting his employment or his portfolio of property investments.

Councillor I Kettle – Any references to West Midlands Fire and Rescue Authority - Non-pecuniary interest as a Member of the Authority.

Councillor E Taylor - Minutes of the Health and Adult Social Care Scrutiny Committee - Non-pecuniary interest as her daughter was employed at Russells Hall Hospital.

Councillor N Neale - Minutes of the Health and Adult Social Care Scrutiny Committee or health issues generally - Pecuniary interest in any matters directly affecting her employment with Dudley Group of Hospitals (NHS) Foundation Trust.

Councillor P Lee – Minutes of the Children and Young People Scrutiny Committee - Pecuniary interest as he was engaged as a Dudley Foster Carer.

Councillor K Lewis – Minutes of the Children and Young People Scrutiny Committee - Pecuniary interest as an Early Years Provider.

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66 **Minutes**

**Resolved**

That the minutes of the meetings held on 27<sup>th</sup> February and 6<sup>th</sup> March, 2023 be approved as correct records and signed.

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67 **Mayor's Announcements**

(a) **Councillors Not Standing for Re-Election**

The Mayor reported that Councillors K Finch, S Saleem, K Shakespeare and T Westwood were not standing for re-election at the municipal elections on 4<sup>th</sup> May, 2023. The Mayor placed on record the Council's appreciation of the dedicated public service given by those Members and expressed best wishes for the future. Members then made individual comments and paid tributes to the retiring Councillors.

(b) **Live Broadcast of Coronation – 6<sup>th</sup> May, 2023**

The Mayor reported that a live broadcast of the Coronation would take place at Himley on 6<sup>th</sup> May, 2023.

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68 **Capital Programme Monitoring**

A report of the Cabinet was submitted.

The recommendations of the Cabinet were moved by Councillor P Harley and seconded by Councillor S Clark.

Following the debate, Councillor P Harley exercised his right of reply pursuant to Council Procedure Rule 14.9. In response to a question concerning the Towns Fund Project, a briefing would be provided to the Shadow Cabinet Member for Highways and Public Realm (Councillor K Casey).

The motion was put to the meeting and it was

## **Resolved**

- (1) That the progress with the 2022/23 Capital Programme, as set out in Appendices A and B to the report, be noted.
  - (2) That the expenditure for additional Changing Places toilets, funded by additional grant, be included in the Capital Programme as set out in paragraph 5 of the report.
  - (3) That the decision to authorise the Director of Finance and Legal to increase loan support to Black Country Innovative Manufacturing Organisation (BCIMO) by up to £712,000, in view of the cash flow issues outlined, and to amend the Capital Programme to include the City Regional Sustainable Transport Strategy (CRSTS) grant as set out in paragraph 6 of the report, be noted.
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## 69 **Annual Overview and Scrutiny Report 2022/23**

The annual overview and scrutiny report for 2022/23 was submitted.

It was moved by Councillor P Bradley, seconded by Councillor S Clark and

## **Resolved**

That the annual overview and scrutiny report for 2022/23 be received and noted.

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## 70 **Notices of Motion**

### (a) **Levelling Up**

At the Council meeting on 27<sup>th</sup> February, 2023, the following motion had been moved by Councillor P Sahota and seconded by Councillor J Foster.

“On Monday 27<sup>th</sup> June, 2022, a report was presented to the Cabinet describing progress with levelling up bids made on behalf of the Borough's 5 MPs.

It was disappointing to note that the two opportunities - in the form of 2 rounds of bidding - have yet to produce any confirmed investment from Government.



It is particularly disappointing and of concern that for the two most deprived constituencies - Dudley South and Dudley North - there is even less detail about the steps being taken to address this and the success of levelling up investment arising from bids in a 'potential' round 3 is uncertain.

One reason given for this failure relates to the level of information and evidence required to justify each bid. Four of the 5 MPs belong to the party in Government, and include those holding party and Government positions, which would suggest they have significant access to information and guidance. Therefore, it is unclear why the criteria for successful bids was not known or foreseen.

The people of Dudley have been seriously let down by this failure and, instead of levelling up Dudley, it risks further decline in those areas badly in need of this investment.

This Council undertakes to write to the Government outlining our concerns and to seek an urgent meeting with Government representatives leading on the levelling up agenda for advice and support to ensure that any round 3 bids made are successful.”

Councillor L Taylor-Childs moved a closure motion pursuant to Council Procedure Rule 14.11, which was duly seconded, to the effect that the motion be now put to the vote.

In accordance with Council Procedure Rule 14.11(b) the Mayor, being of the opinion that the original motion had been sufficiently discussed, put the closure motion to the vote and it was

### **Resolved**

That the question be now put.

Councillor P Sahota was afforded and exercised his right of reply to the debate pursuant to Council Procedure Rule 14.9.

The motion was put to the vote and lost.

### (b) Coronation of His Majesty King Charles III and Her Majesty The Queen Consort

Pursuant to Council Procedure Rule 12, Councillor P Dobb had given notice of the following motion on 13<sup>th</sup> October, 2022:

“His Majesty King Charles III and Her Majesty The Queen Consort will celebrate their Coronation on 6<sup>th</sup> May 2023.

Dudley Council has an important role to play in facilitating the celebrations that will take place associated to this historic occasion, much like it has done for previous events such as Jubilees. Therefore, this Council resolves to once again support the waiver of temporary road closure license fees to enable communities to celebrate together with traditional street parties.

Additionally, the Leader of the Council is requested to explore opportunities for a large-scale event to take place to mark the occasion within the Dudley Borough, enabling borough residents to gather and celebrate this occasion in a similar fashion to other events throughout the year, such as Armed Forces Day.”

Councillor P Dobb made a statement and indicated that he now wished to withdraw the motion in accordance with the provisions of Council Procedure Rule 13(g). With the consent of the meeting, the motion was withdrawn.

(c) Dropped Kerb Funding for Disabled Residents

Pursuant to Council Procedure Rule 12, Councillor S Phipps had given notice of the following motion on 28<sup>th</sup> February, 2023:

“Dropped kerbs can be very costly for local residents who wish to ensure that they can access their driveways legally and safely or convert existing gardens into driveways. With costs regularly exceeding £2,000 and only increasing, the financial burden on those who have no choice but to use a driveway is excessive.

Dudley Council currently charges local residents for the installation of dropped kerbs regardless of their circumstances. Whilst it is noted that providing this service free of charge would be unduly costly to the taxpayer, it is also noted that many residents who need a dropped kerb to ensure they can fully use disability adapted vehicles safely are priced out of doing so.

Therefore, this Council resolves to instruct the Deputy Chief Executive to prepare proposals for a dropped kerb disability support scheme trial to be submitted to Cabinet. The scheme would provide either the full funding for the installation of a dropped kerb, or a percentage depending on the applicant's financial circumstances. As assessment process would be carried out for applicants to determine the following:

- That the primary reasons for the residents requiring the installation of a dropped kerb is linked to their disability and will enable them to become more mobile;
- That the applicant does not have the financial means to afford the installation without causing undue financial hardship;
- Any other criteria as deemed necessary to ensure the effectiveness of the funding available.”

The motion was moved by Councillor S Phipps and seconded by Councillor P Dobb.

During the debate on the motion, an amendment was moved by Councillor S Ali and seconded by Councillor J Foster in the following terms:

“The Council also resolves to instruct the Deputy Chief Executive:

- That the introduction of a £100 charge for the assessment of disabled parking bays be reviewed by the Cabinet Member for Finance and Legal with a view to removing and rescinding the charge.
- That a review of the charges for drop access be undertaken for all areas.
- That these reviews be reported to the Cabinet and the Council for decision in due course.”

The meeting was adjourned at 7.35pm and reconvened at 7.44pm.

The amendment was put to the meeting and carried. The motion, with the incorporation of the amendment, thereupon became the substantive motion.

Councillor S Phipps was afforded and exercised his right of reply to the debate pursuant to Council Procedure Rule 14.9.

The substantive motion was put to the meeting and it was

## **Resolved**

That dropped kerbs can be very costly for local residents who wish to ensure that they can access their driveways legally and safely or convert existing gardens into driveways. With costs regularly exceeding £2,000 and only increasing, the financial burden on those who have no choice but to use a driveway is excessive.

Dudley Council currently charges local residents for the installation of dropped kerbs regardless of their circumstances. Whilst it is noted that providing this service free of charge would be unduly costly to the taxpayer, it is also noted that many residents who need a dropped kerb to ensure they can fully use disability adapted vehicles safely are priced out of doing so.

Therefore, this Council resolves to instruct the Deputy Chief Executive to prepare proposals for a dropped kerb disability support scheme trial to be submitted to Cabinet. The scheme would provide either the full funding for the installation of a dropped kerb, or a percentage depending on the applicant's financial circumstances. An assessment process would be carried out for applicants to determine the following:

- That the primary reasons for the residents requiring the installation of a dropped kerb is linked to their disability and will enable them to become more mobile;
- That the applicant does not have the financial means to afford the installation without causing undue financial hardship;
- Any other criteria as deemed necessary to ensure the effectiveness of the funding available.

The Council also resolves to instruct the Deputy Chief Executive:

- That the introduction of a £100 charge for the assessment of disabled parking bays be reviewed by the Cabinet Member for Finance and Legal with a view to removing and rescinding the charge.
  - That a review of the charges for drop access be undertaken for all areas.
  - That these reviews be reported to the Cabinet and the Council for decision in due course.
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## 71 **Questions under Council Procedure Rule 11**

Following consultation between the Group Leaders and with the consent of the meeting it was

### **Resolved**

That in accordance with Council Procedure Rule 11.1 the time period allowed for questions be reduced to 20 minutes for this meeting of the Council only.

### **Written Questions**

No written questions were submitted in advance.

### **Verbal Questions to the Leader, Cabinet Members and Chairs**

The Chair of the Children and Young People Scrutiny Committee (Councillor P Bradley) responded to a question from Councillor R Collins concerning the progress made by Children's Services in recent years and the implications of the scrutiny call-in of the restructure of Children's Services.

The Leader of the Council (Councillor P Harley) responded to questions from Councillor Q Zada concerning the Council's attendance at the MIPIM conference.

The Cabinet Member for Regeneration and Enterprise (Councillor D Stanley) responded to a question from Councillor S Ali concerning the planning and impact of major regeneration works affecting Dudley Town Centre.

At this juncture the Mayor announced that the time period allowed for questions had expired and any Members indicating to ask a question could either submit it in writing or raise the question at the next appropriate meeting.

(The meeting was adjourned at 8.10pm and reconvened at 8.23pm)

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72 **Urgent Business**

There was no urgent business for consideration at this meeting.

The meeting ended at 8.24 pm

MAYOR

**Minutes of the proceedings of an Extraordinary Meeting of the Council  
Monday, 17th April, 2023 at 8.25pm  
in the Town Hall, St James's Road, Dudley**

**Present:**

Councillor S Greenaway (Mayor)  
Councillor A Goddard (Deputy Mayor)  
Councillors R Ahmed, S Ali, A Aston, M Aston, P Atkins, C Barnett, C Bayton, D Bevan, I Bevan, H Bills, R Body, D Borley, S Bothul, P Bradley, R Buttery, K Casey, B Challenor, S Clark, R Clinton, R Collins, D Corfield, J Cowell, T Creed, T Crumpton, A Davies, P Dobb, P Drake, C Eccles, J Elliott, M Evans, K Finch, J Foster, M Hanif, D Harley, P Harley, S Henley, A Hopwood, M Howard, A Hughes, L Johnson, S Keasey, I Kettle, E Lawrence, P Lee, A Lees, K Lewis, P Lowe, J Martin, A Millward, S Mughal, N Neale, S Phipps, K Razzaq, S Ridney, M Rogers, P Sahota, D Stanley, W Sullivan, A Taylor, E Taylor, L Taylor-Childs, M Westwood, T Westwood and Q Zada together with the Deputy Chief Executive and other Officers

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73 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors J Clinton, P Miller, T Russon, S Saleem and K Shakespeare.

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74 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

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75 **Housing Data and Performance**

A report of the Director of Housing and Communities was submitted.

The recommendations in the report were moved by Councillor L Taylor-Childs and seconded by Councillor S Clark.

During the debate, Members raised various concerns regarding data quality, performance reporting and risk, the referral made to the Regulator of Social Housing, the commissioning of a stock condition survey, the financial, resource and governance implications, proposed actions to identify and remedy the issues and the future arrangements for scrutiny.

Following the debate, Councillor L Taylor-Childs exercised her right of reply pursuant to Council Procedure Rule 14.9.

The motion was put to the meeting and it was

**Resolved**

- (1) That the report be noted.
- (2) That the Director of Housing and Communities provide a further report to the Council once the data has been validated.

The meeting ended at 9.05 pm

MAYOR



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## **Annual Meeting of the Council – 18<sup>th</sup> May, 2023**

### **Report of the Lead for Law and Governance (Monitoring Officer)**

#### **Leader of the Council**

##### **Purpose**

1. To report on the provisions of the Council's Constitution concerning the position of the Leader of the Council.

##### **Recommendation**

2. That the report be noted.

##### **Background**

3. The Council's Procedure Rules require that the Leader shall be appointed at the annual meeting of the Council (as and when necessary). Article 7 of the Constitution prescribes that the Leader will hold office for a period of four years or until:
  - (a) his/her term of office as a Councillor expires; or
  - (b) he/she resigns from the office; or
  - (c) he/she is no longer a Councillor; or
  - (d) he/she is removed from office by resolution of the Council.
4. In accordance with the Constitution, Councillor P Harley was elected as the Leader at the Annual Meeting of the Council on 19<sup>th</sup> May, 2022.

##### **Finance**

5. There are no direct financial implications arising from this report.

## **Law**

6. Statutory provisions regarding the Constitution are contained in the Local Government Act 2000, as amended, the Localism Act 2011 and any Regulations, Orders and Statutory Guidance issued by the Secretary of State.

## **Risk Management**

7. The ongoing arrangements for the election of the Leader are contained in the Council's Constitution. There are no implications for the Council's Risk Management Framework.

## **Equality Impact**

8. Decisions of the Leader on policy issues and the implementation of the Council Plan framework involve actions to promote equality and diversity and in relation to children and young people.

## **Human Resources/Organisational Development**

9. There are no direct implications.

## **Commercial/Procurement**

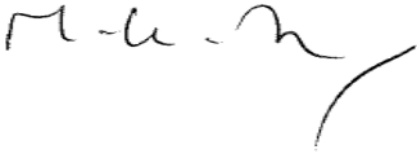
10. The Leader has a key role in overseeing the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus.

## **Environment/Climate Change**

11. The Leader has a key role in overseeing the Council's approach to environmental sustainability and tackling climate change. To reinforce the Council's commitment, the Leader established a specific Cabinet portfolio for Waste Management and Climate Change in May 2022. The Council also established the Climate Change and Environment Scrutiny Committee in the 2022/23 municipal year.

## **Council Priorities and Projects**

12. The Leader has a key role in the delivery of all Council priorities including the Borough Vision, Council Plan and the Future Council Programme.

A handwritten signature in black ink, appearing to read 'M. Farooq', with a long, sweeping underline that extends to the right.

**Mohammed Farooq  
Lead for Law and Governance  
(Monitoring Officer)**

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## **Annual Meeting of the Council – 18<sup>th</sup> May, 2023**

### **Report of the Lead for Law and Governance (Monitoring Officer)**

### **Appointment and Membership of the Cabinet and Committees for 2023/24 and Related Matters**

#### **Purpose of Report**

1. To receive a report on the appointment of the Deputy Leader and Members of the Cabinet and to consider the appointment and membership of Committees and related matters for the 2023/24 municipal year.

#### **Recommendations**

2. That the Council note the report to be circulated at the meeting concerning the appointment of the Deputy Leader and Members of the Cabinet for the 2023/24 municipal year, together with the designation and appointment of Cabinet Members.
3. That the structure of Committees for 2023/24 be approved as set out in the lists to be circulated at the meeting.
4. That the terms of reference and functions of Committees, as set out in Part 3 of the Constitution, be approved subject to any consequential amendments arising from decisions made at this meeting.
5. That, with the exceptions referred to in this report, the composition and membership of Committees for the 2023/24 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.
6. That the proposals for the appointment of co-opted representatives to serve on relevant Committees and the arrangements for the filling of vacancies be approved.

7. That the Licensing and Safety Committee be appointed in 2023/24 to undertake the statutory Committee functions in accordance with the Licensing Act 2003 and that the Committee comprise 12 Members.
8. 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.
9. That the appointment of Chairs and Vice-Chairs be approved in accordance with the lists to be circulated at the meeting.
10. That the arrangements for substitutes on Committees, as set out in Council Procedure Rules, be reaffirmed for the 2023/24 municipal year.
11. That the Planning (Site Visits) Working Group be appointed for the 2023/24 Municipal Year to undertake visits to sites where the Committee has resolved that there should be a site visit and that the Working Group comprise all Members of the Planning Committee.
12. That Working Groups be appointed for the 2023/24 Municipal Year for Scrutiny/Select Committees, as appropriate, and that the membership of the Working Groups comprise all Members of the relevant Committees.
13. That the Dudley Health and Wellbeing Board be re-established in 2023/24 on the basis set out in this report.
14. That the 'Your Home, Your Forums' be re-established in 2023/24 on the basis previously approved by the Council.
15. That Revd Adam Hadley, Richard Phillips and William Read be appointed as Independent Persons for the period ending with the annual meeting of the Council in May, 2027.
16. That the Monitoring Officer be authorised to take any necessary and consequential actions that are required to implement the proposals contained in this report and any other decisions that are taken at this meeting of the Council.

## **Background**

### **Appointment of the Deputy Leader and Cabinet Members**

17. 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.
18. The Cabinet will comprise of 10 members (including the Leader) with the designations shown on the lists to be circulated at the meeting. The list of responsibilities and executive functions allocated to Cabinet Members (and onward delegations to Officers) is set out under Part 3 of the Constitution and will be updated with any consequential changes arising from this meeting.
19. The Leader will report at the meeting concerning the appointment of the Deputy Leader and the designation of Cabinet Members for the 2023/24 municipal year. 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 removed from office, either individually or collectively, by the Leader.
20. 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. It is the Council's practice that all Shadow Cabinet Members are invited to attend formal Cabinet meetings.

### **Appointment and Membership of Committees**

21. 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.

Proposals in respect of the above and the nominations of the political groups regarding Members to serve on each Committee will be circulated at the meeting.

22. There are currently 2 political groups represented on the Council:-

Conservative (44 seats)

Labour (26 seats)

There is one independent Member and one vacancy. The proportionality 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.

23. Under Sections 15 and 16 of the Local Government and Housing Act 1989, the Council is required to provide for political balance on Committees. The composition of Committees, in accordance with political balance, will be set out in the lists to be circulated at the meeting.
24. 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.
25. Section 17 of the Local Government and Housing Act 1989 authorises the Council to approve different arrangements (eg: not reflecting political balance) provided that no Member of the Council votes against them.

### **Scrutiny Arrangements for 2023/24**

26. It is proposed to establish Committees for 2023/24 in accordance with the lists to be circulated at the meeting.
27. Ongoing consultation is taking place on items for inclusion in the Annual Scrutiny Programme. Flexibility will be retained to respond to any issues that arise during the year. It is proposed that Working Groups are established for the Committees as appropriate.

## **Terms of Reference and Onward Delegation of Functions**

28. The terms of reference and onward delegation of functions are set out in Part 3 of the Constitution. The Council has previously delegated authority to the Monitoring Officer to make any urgent, necessary or consequential changes to the Constitution arising from Council restructuring and to reflect any changes in legislation or other statutory provisions. It is proposed that this delegation should remain in place for 2023/24.

## **Appointment of Co-opted Representatives**

29. Co-opted Members will be appointed to serve on the relevant Committees in 2023/24 in accordance with the lists circulated at the meeting.
30. To mitigate any delay in their serving, the Council has previously authorised the Monitoring Officer, following 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 2023/24.

## **Licensing Act 2003 – Statutory Functions**

31. 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 2022/23. In practice, the majority of licensing applications are dealt with by the Licensing Sub-Committees. For 2023/24, 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 2023/24 municipal year.
32. The Council has previously decided to waive the proportionality requirements in respect of the Licensing Sub-Committees. It is proposed that the waiver be re-affirmed for 2023/24.



### **Former Appeals Committee**

33. In view of policy changes implemented during 2022/23, it will no longer be necessary to establish a separate Appeals Committee for 2023/24. It is suggested, however, that the residual function to determine any appeals in cases where a right of appeal to elected members exists under any of the Council's policies or procedures be delegated to the Audit and Standards Committee.
34. The Audit and Standards Committee has the discretion to establish a Sub-Committee in the event that any appeals arise during 2023/24 that may require Member determination.

### **Member Complaints and Standards Matters**

35. The Audit and Standards Committee has previously established a Standards Sub-Committee to hear and determine complaints against Members and Co-opted Members. The appointment of the Sub-Committee will be considered at the first meeting of the Audit and Standards Committee in the municipal year.

### **Substitute Members of Committees**

36. Council Procedure Rule 5 provides for the appointment of substitute Members on Committees. The arrangements for the appointment of substitute Members have worked successfully and it is recommended that they be continued in 2023/24.
37. 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 includes a requirement, particularly in the case of quasi-judicial meetings (eg: Planning and Licensing Committees), that the Member concerned has undertaken the necessary training as required by the Council.

### **Changes to the Composition of Committees**

38. 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. Under Article 4.02 of the Constitution, the Monitoring Officer is authorised to make any necessary changes to the

composition of Committees that might arise from time to time in accordance with the requirements of the Leaders of political groups.

### **Planning Committee**

39. A Site Visits Working Group has previously been established to allow for site visits by Members. Site visits are undertaken in appropriate circumstances as provided for in the Code of Conduct for Members and Officers dealing with planning matters (as set out in the Council's Constitution). The Working Group will comprise all Members of the Planning Committee. It is proposed that the Site Visits Working Group be established on the same basis for 2023/24.

### **Dudley Health and Wellbeing Board**

40. 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.
41. The Dudley Health and Wellbeing Board is established under Section 194 of the Health and Social Care Act 2012 and operates within its own terms of reference and associated governance arrangements.
42. The Chair and Vice-Chair are appointed by the Board at its first meeting in the municipal year.

### **Your Home, Your Forums**

43. The Council has previously established 5 Forums. The Forums comprise the elected representatives of the following wards:-

#### Brierley Hill

- Brierley Hill/Brockmoor and Pensnett/Kingswinford North and Wall Heath/Kingswinford South/Wordsley

#### Dudley North

- Coseley East/Gornal/Sedgley/Upper Gornal and Woodsetton

#### Dudley

- Castle and Priory/Netherton, Woodside and St Andrew's/Quarry Bank and Dudley Wood/St James's/St Thomas's

### Halesowen

- Belle Vale/Cradley and Wollescote/Halesowen North/Halesowen South/Hayley Green and Cradley South

### Stourbridge

- Amblecote/Lye and Stourbridge North/Norton/Pedmore and Stourbridge East/Wollaston and Stourbridge Town

It is proposed that the Forums are re-established for 2023/24 on the same basis as in the previous municipal year.

## **Appointment of Independent Persons – Member Complaints and Standards Matters**

44. Under the Localism Act 2011, the Council is required to appoint an Independent Person (or Persons) to assist the Monitoring Officer in dealing with complaints and related standards matters.
45. The role of an Independent Person is to assist the Council in promoting high standards of conduct by Councillors and Co-opted Members. An Independent Person is consulted on decisions to investigate complaints and before a decision is made on any investigated complaints. They may be consulted on other standards matters.
46. On 7<sup>th</sup> October, 2019, the Council appointed Revd. Adam Hadley as an Independent Person for a term ending with this Annual Meeting of the Council. The Monitoring Officer has delegated powers to recommend the Council on the appointment of Independent Person(s) required under the Localism Act 2011 and any relevant Regulations.
47. Following a recent public advertisement, three applications were received. More detailed information about the applicants is being circulated to Members. To increase capacity and to deal with situations where any of the Independent Persons are unable to act for any reason, it is recommended that Revd Adam Hadley, Richard Phillips and William Read be appointed as Independent Persons for the period ending with the annual meeting of the Council in May, 2027.

## **Finance**

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

## Law

49. The relevant statutory provisions regarding the Constitution and arrangements with respect to executive functions are contained in Part II of the Local Government Act, 2000, as amended, and the Localism Act 2011, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
50. 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.
51. Seats on Committees must be allocated to political groups on a proportional basis in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.
52. 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).
53. The rules on proportionality do not apply to the Your Home Your Forums because the Forums are not Committees of the Council and they comprise all the ward councillors for the areas concerned.
54. 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.
55. 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. This is also applied to any Sub-Committee established by the Audit and Standards Committee to consider complaints against Members under the Council's standards arrangements.

56. 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 2012. 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.
57. The effects and principles contained in Section 499 of the Education Act 1996, Department for Education and Science Circular 19/99 and the Education (Parent Governor Representatives) Regulations 2001 are reflected in the proposals in respect of the appointment of co-opted representatives to serve on the relevant Committee(s).

### **Risk Management**

58. This report deals with the Council's governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Risk Management Framework.

### **Equality Impact**

59. The requirements to consider the Council's policies on equality and diversity, 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 Committees during the year on policy issues and the implementation of the Council Plan framework will involve actions to promote equality and diversity and in relation to children and young people.

### **Human Resources/Organisational Development**

60. The Council's governance arrangements will be administered from existing resources.

### **Commercial/Procurement**

61. Decisions taken by the Council, the Cabinet and Committees will reflect the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus as appropriate.

### **Environment/Climate Change**

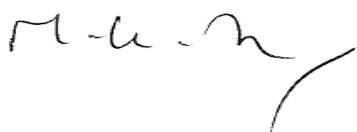
62. Within our governance arrangements, the Council requires that all reports should include an assessment of the impact on the environment. The Council has declared a Climate Emergency and

reports on individual proposals should address the impact on the Council's work to address Climate Change and achieve the Net Zero target by 2041. In addition, individual reports should consider how the proposals support the [United Nations sustainable development goals](#)

63. To reinforce the Council's commitment, the Leader established a specific Cabinet portfolio for Waste Management and Climate Change in May 2022. The Council also established the Climate Change and Environment Scrutiny Committee for the 2022/23 municipal year.

### **Council Priorities and Projects**

64. This report deals with the Council's governance arrangements to underpin the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme. Reports to meetings and decision takers will include details of how proposals impact on or contribute to Council priorities.



**Mohammed Farooq**  
**Lead for Law and Governance**  
**(Monitoring Officer)**

## **Annual Meeting of the Council – 18<sup>th</sup> May, 2023**

### **Report of the Lead for Law and Governance (Monitoring Officer)**

#### **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 2023/24 municipal year, subject to the incorporation of any necessary and consequential amendments arising from the decisions taken at this meeting.

##### **Recommendations**

2. That the Constitution and Scheme of Delegation be reaffirmed for the 2023/24 municipal year.
3. That the Monitoring Officer be authorised to make any necessary and consequential amendments to the Constitution arising from decisions made by the Council and to reflect any ongoing restructuring activity, changes in legislative requirements, statutory provisions or associated regulations or guidance.
4. 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.

##### **Background**

5. The Council's Constitution prescribes that the Scheme of Delegation shall be agreed at the Annual Meeting.
6. The Scheme of Delegation, as set out in Part 3 of the Constitution, was first approved at the meeting of the Council held on 29<sup>th</sup> 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.

7. The Constitution provides that amendments to the Scheme of Delegation may be approved by the Leader of the Council by way of a Delegated Decision Sheet. The Leader of the Opposition Group is notified of any proposed changes before a decision is made by the Leader.
8. 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](#)
9. The Council has previously delegated authority to the Monitoring Officer to update and amend the Constitution in line with any ongoing restructuring activity and to reflect any other necessary legislative or statutory provisions. It is proposed that this delegation be reaffirmed and allocated to the Monitoring Officer in line with the duties of the statutory post to maintain the Constitution.
10. As the Council's Monitoring Officer, I will keep the Constitution under review and submit a report to the Cabinet and the Council in due course.

## **Finance**

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

## **Law**

12. 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.
13. The duty to designate an officer as the Monitoring Officer is contained in Section 5 of the Local Government and Housing Act 1989. In order to ensure a separation of roles, the person designated as the Monitoring Officer may not also fulfil the duties of the Chief Finance Officer or the Head of Paid Service.



## **Risk Management**

14. This report deals with the Council's Constitution and governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Council's Risk Management Framework.

## **Equality Impact**

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

## **Human Resources/Organisational Development**

16. There are no direct implications arising from this report.

## **Commercial/Procurement**

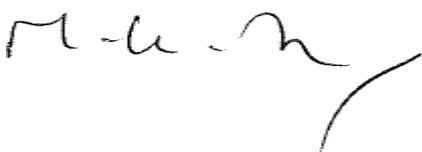
17. The Constitution includes the Council's Contract Standing Orders and Financial Regulations.

## **Environment/Climate Change**

18. The Council's Constitution and governance arrangements provide for the assessment of the environmental impact of specific proposals and to address the impact on the Council's work to address Climate Change and achieve the Net Zero target by 2041.

## **Council Priorities and Projects**

19. This report deals with the Council's Constitution, which underpins the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



**Mohammed Farooq**  
**Lead for Law and Governance**  
**(Monitoring Officer)**

## **Annual Meeting of the Council – 18<sup>th</sup> May, 2023**

### **Report of the Lead for Law and Governance (Monitoring Officer)**

#### **Programme of Meetings for 2023/2024**

#### **Purpose of Report**

1. To approve a programme of meetings of the Council, Cabinet and Committees for the 2023/24 municipal year.

#### **Recommendations**

2. That the programme of meetings of the Council, Cabinet and Committees for the 2023/24 municipal year, as circulated at the meeting, be approved.

#### **Background**

3. The Council's Constitution requires that the programme of ordinary meetings for the year be approved at the Annual Meeting of the Council.
4. A schedule of proposed meeting dates for the 2023/24 municipal year will be circulated at the meeting.
5. In line with the Constitution the programmed dates and times of meetings, as approved by the Council, can only be changed if the Monitoring Officer is satisfied that exceptional circumstances apply following consultation with the relevant Chair and Vice-Chair (for example due to inclement weather, significant national events or lack of business).

#### **Finance**

6. The financial implications arising from the organisation of all meetings will be met from approved budgets.

## **Law**

7. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, as amended, the Localism Act 2011 together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.

## **Risk Management**

8. Reports to the Council, Cabinet and Committees will include a paragraph to ensure proper consideration of any ongoing material risks as part of the Council's Risk Management Framework.

## **Equality Impact**

9. 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 diversity and in relation to children and young people.

## **Human Resources/Organisational Development**

10. Council, Cabinet and Committee meetings will be administered within existing resources.

## **Commercial/Procurement**

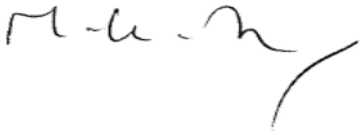
11. Where relevant, decisions taken by the Council, the Cabinet and its Committees will reflect the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus.

## **Environment/Climate Change**

12. The Council's governance arrangements provide for the assessment of the environmental impact of specific proposals and to address the impact on the Council's work to address Climate Change and achieve the Net Zero target by 2041.

## **Council Priorities and Projects**

13. Reports to meetings will include an assessment of how individual proposals contribute to the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



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**Mohammed Farooq**  
**Lead for Law and Governance**  
**(Monitoring Officer)**

## **Annual Meeting of the Council – 18<sup>th</sup> May, 2023**

### **Report of the Lead for Law and Governance (Monitoring Officer)**

#### **Appointments/Nominations to Other Bodies**

##### **Purpose of Report**

1. To consider arrangements for the making of appointments/nominations to other bodies.

##### **Recommendation**

2. That the Lead for Law and Governance (Monitoring Officer), following consultation with the Leader of the Council and the Opposition Group Leader, be authorised to make appointments/nominations to other bodies as required.

##### **Background**

3. The Council makes appointments and nominations to serve on various other bodies. [Details of the appointments made in 2022/23](#) are available on the Council's website.
4. In view of the urgency in making various appointments/nominations it is proposed that the Lead for Law and Governance (Monitoring Officer), following consultation with the Leader of the Council and the Opposition Group Leader, be authorised to make any appointments or nominations that are required. Details of the appointments/nominations made will be published on the Council's website.

## **Finance**

5. Any financial implications arising from these appointments/nominations will be met from existing resources.

## **Law**

6. 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.

## **Risk Management**

7. The Council has adopted a general indemnity in relation to Members and Officers. To limit potential risks, a register is maintained of all appointments to outside organisations. Before making or recommending such appointments, the Council considers whether there is any current need or justification for one or more representatives of the Council to serve on the organisation in question.

## **Equality Impact**

8. 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.

## **Human Resources/Organisational Development**

9. There are no direct implications arising from this report.

## **Commercial/Procurement**

10. The Council Plan includes reference to maximising value from procurement, delivering social value and developing a commercial focus. The Council works in partnership with a range of external bodies and organisations in this regard.

## **Environment/Climate Change**

11. The Council's commitment to environmental sustainability and tackling climate change is reflected in partnership working with a range of other bodies and organisations to which appointments are made.

## **Council Priorities and Projects**

12. Effective partnership working with other bodies and organisations underpins the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



.....  
**Mohammed Farooq**  
**Lead for Law and Governance**  
**(Monitoring Officer)**