

**Minutes of the proceedings of the Council
Monday, 27th February, 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, J Clinton, R Collins, D Corfield, J Cowell, T Creed, T Crumpton, A Davies, P Dobb, P Drake, C Eccles, M Evans, K Finch, J Foster, D Harley, P Harley, S Henley, M Howard, A Hughes, L Johnson, S Keasey, I Kettle, E Lawrence, P Lee, A Lees, K Lewis, P Lowe, J Martin, P Miller, A Millward, N Neale, S Phipps, M Qari, K Razzaq, S Ridney, M Rogers, T Russon, P Sahota, D Stanley, W Sullivan, A Taylor, E Taylor, L Taylor-Childs, M Westwood, T Westwood and Q Zada together with the Chief Executive and other Officers

Prayers

The Mayor's Chaplain led the Council in prayer.

46 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors R Clinton, J Elliott, M Hanif, A Hopwood, S Mughal, S Saleem and K Shakespeare.

47 **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.

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

Councillor P Miller – Any matters relating to Adult Social Care – Non-pecuniary interest as his wife had visits from Gateway Dementia Centre in Brettell Lane.

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.

Councillors I Kettle and P Miller – Any references to West Midlands Fire and Rescue Authority - Non-pecuniary interests as Members 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 A Hughes – Minutes of the Children and Young People Scrutiny Committee - Non-pecuniary interest as the parent of two children with special educational needs and who had attended specialist nursery provision.

Councillor P Lee - Minutes of the Children and Young People Scrutiny Committee - Pecuniary interest in any matters directly affecting him as a Dudley Foster Carer.

Councillor K Lewis - Minutes of the Children and Young People Scrutiny Committee - Pecuniary interest in any matters directly affecting her as an Early Years Provider.

Councillor P Lowe – Minutes of the Health and Adult Social Care Scrutiny Committee - Non-pecuniary interest in relation to the progress update on the development of the Black Country Integrated Care System and Dudley’s Integrated Health and Care Model, in view of his employment as National Officer for Managers in Partnership (Unison).

Councillor R Collins – Minutes of the Health and Adult Social Care Scrutiny Committee - Non-pecuniary interest in view of her voluntary role as a Patient Safety Partner at Dudley Group NHS Russell’s Hall Hospital and as a Ward Member for Brockmoor and Pensnett.

Councillors J Cowell and J Clinton – Minutes of the Housing and Public Realm Scrutiny Committee - Non-pecuniary interests in relation to housing matters as Council tenants.

Councillor J Foster – Minute No. 19 of the Audit and Standards Committee (Internal Audit Report) - Non-pecuniary interest due to her attendance at the event referred to in that report during 2019.

Councillor S Ali – Minute No. 19 of the Audit and Standards Committee (Internal Audit report) - declaration for transparency purposes that he was a Member referred to in that report.

48 **Minutes**

Resolved

That the minutes of the meeting held on 28th November, 2022 be approved as a correct record and signed.

49 **Mayor's Announcements**

(a) **Former Councillor Rosemary Tomkinson**

The Mayor referred, in sympathetic terms, to the death of former Councillor Rosemary Tomkinson, who had served as Mayor of the Borough in 2003/04.

The Council observed a period of silence as a token of respect to her memory. Members of the Council then paid individual tributes.

(b) **Mayor's Annual Charity Ball and Civic Awards**

The Mayor reported that tickets were on sale for the Annual Charity Ball and Civic Awards taking place at the Copthorne Hotel, Brierley Hill on 31st March, 2023.

(c) **Coronation of His Majesty King Charles III and Her Majesty The Queen Consort**

The Mayor reported that applications for street parties would close on 10th March, 2023. Members were requested to encourage residents to submit applications as soon as possible.

50 **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.

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 submitted, be noted.

- (2) That the amendments to the Capital Programme, as set out in paragraphs 10 to 13 of the report submitted, be approved.
 - (3) That the capital projects proposed in the Medium-Term Financial Strategy, as set out in paragraphs 14 to 16 of the report submitted, be added to the Capital Programme, subject to the approval of revenue funding by the Council at its meeting on 6th March, 2023.
 - (4) That the Prudential Indicators as required to be determined by the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in Appendix C to the report submitted, be agreed.
 - (5) That the updated Capital Strategy, as set out in Appendix D to the report submitted, be approved.
 - (6) That the Minimum Revenue Provision (MRP) Policy for 2023/24 be approved as set out in paragraph 17 of the report submitted.
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51 **Annual Review of the Constitution**

A report of the Cabinet was submitted.

The recommendation of the Cabinet was 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.

The motion was put to the meeting and it was

Resolved

That the updates and amendments to the Constitution, as set out in the report submitted, be approved.

52 **Deployment of Resources: Housing Revenue Account and Public Sector Housing Capital**

A report of the Cabinet was submitted.

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

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 latest Housing Revenue Account outturn forecast for 2022/23, as set out in paragraphs 5 to 9 and Appendix 1 to the report submitted, be noted.
- (2) That the increase in rents for Housing Revenue Account dwellings by 7% with effect from 3rd April, 2023, as set out in paragraphs 10 to 13 of the report submitted, be noted.
- (3) That the Housing Revenue Account revenue budget for 2023/24, as set out in paragraph 18 and Appendix 2 to the report, be approved.
- (4) That the public sector housing revised capital budgets for 2023/24 to 2027/28, attached as Appendix 3 to the report, be approved and that the consultation arrangements, as outlined in paragraph 4 of the report submitted, be noted.
- (5) That the Director of Housing and Communities and the Director of Finance and Legal be authorised to bid for and enter into funding arrangements for additional resources to supplement investment in the public sector housing stock, as outlined in paragraphs 19 to 28 and Appendix 3 to the report submitted and that expenditure funded from such resources be added to the Capital Programme.
- (6) That the Director of Housing and Communities, following consultation with the Cabinet Member for Housing and Communities, be authorised to manage and allocate resources to the Capital Programme as outlined in paragraphs 19 to 28 and Appendix 3 to the report submitted.

- (7) That the Council confirm that all capital receipts arising from the sale of Housing Revenue Account assets (other than any receipts that may be specifically committed to support private sector housing) should continue to be used for the improvement of Council homes, as set out in paragraphs 19 to 28 and Appendix 3 to the report submitted.
 - (8) That the Director of Housing and Communities be authorised to continue to buy back former right to buy properties, to buy other properties, and to buy land where required to assemble a viable site for housing development, subject to a robust assessment of good value for money and sustainability in terms of lettings, maintenance and major works, as set out in paragraphs 19 to 28 and Appendix 3 to the report submitted.
 - (9) That the Director of Housing and Communities be authorised to procure and enter into contracts for the delivery of the Capital Programme, as outlined in paragraphs 19 to 28 and Appendix 3 to the report submitted.
 - (10) That the Housing Revenue Account Medium Term Financial Strategy be endorsed.
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53 **Dudley Council Pay Policy Statement 2023/24**

A report of the Cabinet was submitted.

It was moved by Councillor S Keasey, seconded by Councillor S Clark and

Resolved

That the Pay Policy Statement for 2023/24 be approved.

54 **Treasury Management**

A report of the Audit and Standards Committee was submitted.

It was moved by Councillor A Lees, seconded by Councillor S Clark and

Resolved

- (1) That the treasury activities in 2022/23, as outlined in the report submitted, be noted.
 - (2) That the Treasury Strategy 2023/24, attached as Appendix 2 to the report submitted, be approved.
 - (3) That the Director of Finance and Legal be authorised to effect such borrowings, repayments and investments as are appropriate and consistent with the approved Treasury Strategy and relevant guidance.
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55 Notices of Motion

(a) Planning Regulations – Renewable Energy

At the Council meeting on 10th October, 2022, the following motion had been moved by Councillor R Buttery and seconded by Councillor T Russon.

“That this Council, being mindful of the environment and the impact of fuel bills on homes and businesses, notes that as a borough we are constantly striving to find innovative ways to support our residents and our environment.

That representations be made to the Government requesting that national planning regulations are updated so that any domestic or commercial property, be it new build or an extension that involves a new roof space be required to fit solar panels to the roof to a minimum of 30% roof area. This would help to generate electricity for that domestic or commercial property, thus reducing the bills for the user of the property and having a positive impact on the environment.

That the Director of Regeneration and Enterprise submit a report to the Climate Change and Environment Scrutiny Committee outlining the existing position and the planning policies Dudley currently has in place in relation to renewable energy.”

The following amendment had subsequently been moved by Councillor K Casey, seconded by Councillor J Foster and debated at the Council meeting on 10th October, 2022:

“This Council wholeheartedly supports the need to move to more sustainable and environmentally friendly methods of energy generation, both locally and nationally, ensuring that as a borough and a country we are able to achieve our Net Zero targets as quickly as possible.

Therefore, in addition to the updating of planning laws to ensure new builds and extensions have a requirement for solar panels, and in line with our aims to reduce carbon emissions and meet our Net Zero targets, this Council wishes to express its deep concern and opposition to the Government’s recent lift on the ban relating to fracking activities and calls on them to re-evaluate and reverse their decision.

In line with our declaration of a climate emergency, this council recognises the seriousness of the climate crisis and that increasing our reliance on fossil fuels, not reducing it, which fracking does, is not a sensible way forward, and is one that will ultimately hinder our Net Zero ambitions.

The Council also acknowledges the very serious and wide range of concerns that residents have on this issue, the potential for Dudley and the Black Country to be a real focus for fracking activity in the coming 12 months given identified oil and gas reserves in what is known as the Worcester Basin, and the issues fracking activities have raised in areas where trials have already been taking place.

Therefore, instead of extending activities linked to fossil fuels, we call on the Government to reverse the lift on the ban and further accelerate investment and support for renewable methods of energy generation.

If this issue is to be taken as seriously as it needs to be, we also collectively make a call on Government to outline clearly what further investment and funding can be committed for local councils to assist with meeting Net Zero targets.

Dudley Council resolves to write to Government to:

- Outline our concerns and opposition to the lifting of the ban on fracking activities.
- Make a call that they look again and reverse their recent decision, and instead of extending fossil fuel exploration and usage, further accelerate investment in sustainable and renewable energy generation.

- Set out in detail what further financial support can be given to local councils like Dudley to ensure that we are able to achieve the collective aim of reaching Net Zero as quickly as possible.”

Following a further speech on the amendment, Councillor R Buttery exercised her right of reply to the debate pursuant to Council Procedure Rule 14.9.

The amendment was put to the vote and lost.

The original motion was the subject of further debate by the Council.

At the conclusion of the debate on the original motion, Councillor R Buttery exercised her right of reply pursuant to Council Procedure Rule 14.9.

The original motion was put to the vote and it was

Resolved

That this Council, being mindful of the environment and the impact of fuel bills on homes and businesses, notes that as a borough we are constantly striving to find innovative ways to support our residents and our environment.

That representations be made to the Government requesting that national planning regulations are updated so that any domestic or commercial property, be it new build or an extension that involves a new roof space be required to fit solar panels to the roof to a minimum of 30% roof area. This would help to generate electricity for that domestic or commercial property, thus reducing the bills for the user of the property and having a positive impact on the environment.

That the Director of Regeneration and Enterprise submit a report to the Climate Change and Environment Scrutiny Committee outlining the existing position and the planning policies Dudley currently has in place in relation to renewable energy.

(b) Levelling Up

Pursuant to Council Procedure Rule 12, Councillor P Sahota had given notice of the following motion on 29th June 2022:

“On Monday 27th 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.”

The motion was moved by Councillor P Sahota and seconded by Councillor J Foster.

The motion was the subject of debate by the Council. During the debate, the Chief Executive indicated that, pursuant to Council Procedure Rule 12.5, the 30 minutes allowed to deal with all notices of motion had expired.

This motion, together with the other remaining motions on the agenda, would therefore stand referred to the next ordinary meeting of the Council. The notices of motion would be included in the summons for that meeting in accordance with Council Procedure Rule 12.2.

56 **Questions under Council Procedure Rule 11**

Written Questions

No written questions were submitted in advance.

Verbal Questions to the Leader, Cabinet Members and Chairs

The Cabinet Member for Children and Young People (Councillor R Buttery) responded to questions from Councillor A Hughes concerning support and provision for children with Special Educational Needs and disabilities.

The Cabinet Member for Regeneration and Enterprise (Councillor D Stanley) responded to a question from Councillor C Bayton concerning the sale of the Russells Hall Youth Centre.

The Cabinet Member for Regeneration and Enterprise (Councillor D Stanley) responded to questions from Councillor C Eccles concerning the closure of the café at Crystal Leisure Centre.

The Leader of the Council (Councillor P Harley) responded to questions from Councillor M Qari concerning the implementation of learning from complaints and Ombudsman investigations.

The Leader of the Council (Councillor P Harley) responded to a question from Councillor S Phipps concerning support and assistance to friends' groups in the Borough.

The Cabinet Member for Public Health and Wellbeing (Councillor I Bevan) responded to a question from Councillor R Collins concerning High Oak surgery and action to address health inequalities in the Brockmoor and Pensnett Ward.

The Leader of the Council (Councillor P Harley) responded to questions from Councillor P Lowe concerning missed recycling collections.

The Leader of the Council (Councillor P Harley) responded to a question from Councillor P Bradley concerning the adoption of roads and pathways at Clockfields Estate, Amblecote.

The Leader of the Council (Councillor P Harley) responded to questions from Councillor K Casey concerning Delegated Decision Sheet 16 (Advisory On Street Disabled Parking Places).

The Cabinet Member for Public Health and Wellbeing (Councillor I Bevan) responded to questions from Councillor H Bills concerning the Halesowen Your Home Your Forum.

The Cabinet Member for Regeneration and Enterprise (Councillor D Stanley) responded to questions from Councillor P Sahota concerning café provision at leisure centres and ongoing issues at Shell Corner and the need for appropriate consultation.

The Cabinet Member for Housing and Communities (Councillor L Taylor-Childs) responded to questions from Councillor J Cowell concerning the appointment of a Fire Door/Front Door contractor. This issue had been raised at the Housing and Public Realm Scrutiny Committee.

The Leader of the Council responded to a question from Councillor S Phipps concerning cycling provision, with particular reference to Halesowen, and support for undertaking a feasibility study to identify a site and develop a velodrome in the Dudley Borough.

The Leader of the Council (Councillor P Harley) responded to a question from Councillor J Martin requesting an update on action to implement the Government's Waste Strategy and Plan.

The Cabinet Member for Children and Young People (Councillor R Buttery) responded to questions from Councillor S Ridley concerning the timescale for the provision of a new primary school on the Coseley School site and future aspirations.

The Leader of the Council (Councillor P Harley) responded to a question from Councillor R Body concerning improved provision for cyclists in the Borough.

The Leader of the Council (Councillor P Harley) responded to a question from Councillor C Barnett concerning standards for cycle lanes in the Borough.

57 **Urgent Business**

There was no urgent business for consideration at this meeting.

The meeting ended at 8.25 pm

MAYOR