

DUDLEY METROPOLITAN BOROUGH

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

PRESENT:-

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

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PRAYERS

Mr Sharma, Priest of the Hindu Cultural Centre, King Street, Dudley, led
the Council in prayer.

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MINUTES

RESOLVED

That the minutes of the Extraordinary Meeting of the Council held
on 19th January, 2004, be approved as a correct record and
signed.

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DECLARATIONS OF INTEREST

The Chief Executive, on behalf of all Members of the Council who were
School Governors, declared their personal interest in agenda item 4(a)(f)
(Revised Standing Orders relating to contracts let by the Governing Body
of a School).

Councillor Harris declared a personal interest in the following matters in
view of her position as Chair of the Dudley Beacon and Castle Primary
Care Trust:-

Minute 62 of the meeting of the Central Dudley Area Committee held on 27th November, 2003 regarding the availability of the "flu jab".

Minute 27 of the meeting of the Select Committee on Good Health held on 20th November, 2003 regarding chiropody provision.

Minute 91 of the meeting of the Executive held on 19th November, 2003 regarding the residential care of older and disabled people in Dudley.

Councillor James declared a personal interest in Minute 65 of the meeting of the Halesowen Area Committee held on 3rd December, 2003 regarding the Earls High School Foundation, in view of his position as a Governor of the School.

Councillor Lowe declared a personal interest in the Minutes of the Select Committee on Good Health of 20th November and 16th December 2003 in view of his position as a Unison Trade Union Officer.

Councillor Mrs Coulter declared a personal interest in the subject of Minute 43 of the meeting of the Select Committee on Lifelong Learning held on 10th November, 2003 regarding school performance, in view of her position as a Governor of Hillcrest School, Netherton.

Councillor Mrs Wilson declared a prejudicial interest in planning application no. PO3/1721, as referred to in Minute 78 of the meeting of the Development Control Committee held on 15th December, 2003, in view of her acquaintance with the architect involved.

Councillor J.R. Davies declared a personal interest in the following matters:-

Minute 35 of the meeting of the Select Committee on Economic Vitality and Jobs held on 9th December, 2003 regarding the Debt Prevention Project, in view of the fact that he had friends within Dudley Citizens Advice Bureau.

Delegated decision 75 (Land at Todds End, Dudley Canal) in view of his position as the Council's appointee to the Dudley Canal Trust.

Councillor Burston declared a personal interest in the following matters in view of his position as an employee of Centro:-

Items 4(h) and 4(i) of the agenda for this meeting

Minute 41 of the meeting of the Select Committee on the Environment held on 8th December, 2003, regarding the revised bus strategy.

Minute 107 of the meeting of the Executive held on 17th December, 2003, regarding the revised bus strategy.

Councillor Stanley declared a personal interest in Minute 69(4) of the meeting of the North Dudley Area Committee held on 2nd December, 2003, regarding the delegated capital budget, in view of the fact that he attended St. James's Church and was a Church Warden.

Councillor J Woodall declared a personal interest in agenda item 4(a)(a) (Capital Programme Monitoring), in view of his position as a Magistrate.

Councillor Southall declared a personal interest in the following matters:-

Minute 52(b) of the meeting of the Brierley Hill Area Committee held on 25th November, 2003 regarding land at Squires Court/Kirkstone Way, in view of his position as a member of the Development Control Committee.

Planning application PO3/1382, as referred to in Minute 67 of the meeting of the Development Control Committee held on 24th November, 2003, in view of his position as a member of the Friends of Wordsley Park.

Minute 40 of the meeting of the Select Committee on Culture and Recreation held on the 4th December, 2003 regarding playing pitch assessment, in view of his position as a member of the Council of the Birmingham County Football Association and President of the Stourbridge Referees Association.

Councillor Bradney declared a personal interest in Minute 43 of the meeting of the Select Committee on Lifelong Learning held on 10th November, 2003 regarding school performance, in view of his position as a Governor of Hillcrest School Netherton.

Councillor Ali declared a personal interest in Minute 35 of the meeting of the Select Committee on Economic Vitality and Jobs held on 9th December, 2003 regarding the Debt Prevention Project, in view of his position as a Director of the Dudley Citizens Advice Bureau.

Councillor Miller declared a personal interest in Minute 52(b) of the meeting of the Brierley Hill Area Committee held on 25th November, 2003 regarding land at Squires Court/Kirkstone Way, in view of his position as a member of the Dudley South Primary Care Trust.

Councillor Banks declared a personal interest in Minute 52(b) of the meeting of the Brierley Hill Area Committee held on 25th November, 2003 regarding land at Squires Court/Kirkstone Way, in view of his position as a member of the Development Control Committee.

Councillor Davis declared a personal interest in planning application no. PO3/1861, as referred to in Minute 67 of the meeting of the Development Control Committee held on 24th November, 2003, in view of his involvement in pre-meetings.

Councillor Johnson declared a personal interest in Minute 27 of the meeting of the Select Committee on Good Health held on 20th November, 2003 regarding chiropody provision, as a user of the chiropody service.

Councillor Waltho declared a prejudicial interest in Minute 52(b) of the meeting of the Brierley Hill Area Committee held on 25th November, 2003 regarding land at Squires Court/Kirkstone Way in view of his position as a non-executive Board member of Dudley South Primary Care Trust.

Councillor Mrs Dunn declared a personal interest in Minute 59 of the meeting of the Select Committee on Lifelong Learning held on 11th December, 2003 regarding Rufford Primary School, in view of her position as Chair of the Governors.

Councillor Shakespeare declared a personal interest in Minute 65 of the meeting of the Halesowen Area Committee held on 3rd December 2003 regarding the Earls High School Foundation, in view of her position as a Governor of the School.

Councillor Mrs Turner and Councillor K Turner declared personal interests in the subject of Minute 31 of the meeting of the Select Committee on Community Safety held on 26th November, 2003 regarding secure tenants, in view of their involvement with "Right to Buy".

Councillor Fraser-Macnamara declared a prejudicial interest in the following matters:-

Planning application no. PO3/1356, as referred to in Minute 65 of the meeting of the Development Control Committee held on 24th October, 2003, due to the location of premises of Blount Macnamara.

Minute 91 of the meeting of the Executive held on 19th November, 2003 regarding the residential care of older and disabled people in Dudley, in view of his Directorship of a Residential and Nursing Care Group of Companies with premises and homes within the borough and not a "Nursery Care Group" as referred to in Minute 85 of that meeting of the Executive.

Councillor Adams declared a personal interest in Minute 59 of the meeting of the Select Committee on Lifelong Learning held on 11th December, 2003 regarding Rufford Primary School, in view of his position as a Governor of the School.

MAYOR'S ANNOUNCEMENTS(a) The "Me Too" Project

The Mayor announced that in December 2003 a project funded by the Early Years Development and Childcare Partnership and the Council had been presented with a prestigious national award by Cherry Blair. The "Partners in Excellence" Award was for the "Me Too!" Project, which aimed to develop inclusive childcare and leisure services for children and young people with disabilities in the borough.

The project had been supported by Mencap and a number of Council Directorates as well as childcare providers, parents and young people themselves, all of whom were represented at this Council Meeting.

The Mayor invited Helen Kew, the Head of Early Years and Childcare with the Council and Michelle Cox from Mencap, who had led on the project, to come forward and receive the award and the Council's congratulations.

Councillor Adams, Lead Member for Lifelong Learning added his personal congratulations.

(b) Mayor's Ball

The Mayor announced that the Mayor's Ball would take place on Friday, 19th March, 2004 and indicated that tickets were still available.

APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Fletcher, Rahman and Whitehouse.

CAPITAL PROGRAMME MONITORING

A report of the Executive was submitted.

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

RESOLVED

- (1) That the additional work on Ryemarket Car Park, and its inclusion in the Capital Programme, as set out in paragraph 2.2.1 of the report now submitted, be approved.
- (2) That the lease of the site of 9-12 Hill Road, Lye at a peppercorn rent to the Lye, Rufford and Wollescote Sure Start Project, as set out in paragraph 2.2.2 of the report, be approved.
- (3) That, subject to funding from Government Office for the West Midlands being confirmed, the inclusion in the Capital Programme of the amended project for environmental improvements at Horseley Gardens, Dudley in the total sum of £117,000, as set out in paragraph 2.2.3 of the report, be approved.
- (4) That, subject to Advantage West Midlands funding, the options appraisal for the Melting Pot project be carried out, that it be included in the Capital Programme, and that the Director of the Urban Environment be authorised to progress a bid for the necessary resources to fund any project arising from the appraisal, as set out in paragraph 2.2.4 of the report now submitted and in paragraph 2.1.1 of the report submitted to the meeting of the Executive held on 17th December.
- (5) That the Supplementary Credit Approval in respect of the establishment and reconfiguration of mental health teams be accepted, and that the associated expenditure be included in the Capital Programme, as set out in paragraph 2.3.1 of the report now submitted.
- (6) That the scheme for replacement of mobiles at Wollescote Primary School, and its inclusion in the Capital Programme, as set out in paragraph 2.4.1 of the report, be approved.
- (7) That the expanded re-roofing scheme at Hurst Green Primary School, and its inclusion in the Capital Programme, as set out in paragraph 2.4.2 of the report, be approved.
- (8) That the enhanced mobile replacement scheme at Lapal Primary School, and its inclusion in the Capital Programme, as set out in paragraph 2.4.3 of the report, be approved.

- (9) That the projects relating to Magistrates Courts and their inclusion in the Capital Programme, as set out in paragraph 2.5.1 of the report, be approved.
 - (10) That, subject to appropriate funding being identified, the project for the replacement of VME applications be included in the Capital Programme and the Director of Law and Property be authorised to enter into contracts, as set out in paragraph 2.5.2 of the report now submitted and in Sections 2 and 3 of the report to the meeting of the Executive held on 19th November, 2003.
 - (11) That, subject to appropriate revenue and capital funding being identified, provision be made in the Capital Programme for the provision of the Customer Relationship Management (CRM) Component software and services in the Customer Access to Services programme and for the procurement of the computer hardware, operating software, network equipment, maintenances and any computing and telephony and any other items necessary for the commissioning of the CRM component software and services for the programme, as set out in paragraph 2.6.1 of the report now submitted and in Sections 2, 3 and 4 of the report submitted to the meeting of the Executive held on 19th November 2003.
 - (12) That the urgent amendments to the Capital Programme and the reasons therefor, as set out in paragraphs 2.7.1, 2.7.2, 2.7.3 and 2.7.4 of the report now submitted, be noted.
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PROTOCOL FOR AREA COMMITTEES

A report of the Executive was submitted.

It was moved by Councillor Caunt and seconded by Councillor Powell that the revised Protocol for Area Committees, attached as Appendix 1 to the report now submitted, be approved and incorporated into the Council's Constitution.

Amendment

It was moved as an amendment by Councillor Bramall and seconded by Councillor Mrs Collins that the Protocol be modified as follows:-

By the addition of the following words at the end of paragraph 3(a) (Public Participation):

", except that the Chair will use his or her discretion to ensure that, so far as reasonably possible, any preset time limit does not result in members of the public who attend a meeting to ask a question or make a point from being unable to do so at that meeting".

at the end of paragraph 9(a) (Notification of Items for the Agenda)

", except that each agenda (other than the agenda for a Special Meeting to discuss a particular issue) will include an item entitled "Issues raised by Members of the Committee" at which Members may at their discretion raise issues either without notice or on such notice as agreed between the Chair and the nominated Liaison Officer".

On being put to the vote the foregoing amendment was lost.

On being put to the vote the proposals of the Executive were then approved and it was therefore

RESOLVED

That the revised Protocol for Area Committees, as attached as Appendix 1 to the report now submitted, be approved and incorporated into the Council's Constitution.

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COMPLAINT TO THE LOCAL OMBUDSMAN - LAND MATTER:
FURTHER REPORT

A report of the Executive was submitted.

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

RESOLVED

That the decision of the Executive, as set out in paragraph 2.6 of the report now submitted, be approved as the response of the Council to the Ombudsman's further report on this matter.

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COUNCIL TAX BASE AND PRECEPT INSTALMENTS

A report of the Executive was submitted

On the motion of Councillor Powell, seconded by Councillor Fraser-Macnamara, it was:-

RESOLVED

That the setting of the Council Tax base and agreement of Precept instalments be delegated to the Director of Finance in consultation with the Lead Member for Finance.

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DEVELOPER/CONTRACTOR SELECTION PROTOCOL

A report of the Executive was submitted.

On the motion of Councillor Mrs Martin, seconded by Councillor Powell, it was

RESOLVED

That the Protocol set out in Appendix 1 of the report now submitted be approved and included in Part 6 of the Council's Constitution.

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REVISED STANDING ORDERS RELATING TO CONTRACTS LET BY THE GOVERNING BODY OF A SCHOOL

A report of the Executive was submitted.

On the motion of Councillor Adams, seconded by Councillor Fraser-Macnamara, it was

RESOLVED

That the revised Standing Orders relating to the letting of contracts by schools, as attached to the report now submitted, be approved.

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THE BLACK COUNTRY STUDY - DRAFT TERMS OF REFERENCE, OCTOBER 2003

A report of the Executive was submitted.

On motion of Councillor Jones, seconded by Councillor Caunt, it was

RESOLVED

- (1) That the progress and revised nature of the Black Country Study be noted.

- (2) That the Chief Executive and Director of the Urban Environment be authorised to work with Black Country and Regional Partners to progress the Black Country Study as a matter of priority, in accordance with the Terms of Reference and timescale set out in Appendix 1 to the report now submitted, and to take the necessary steps to identify resources to support this.
 - (3) That the Black Country Consortium's 30 year vision be endorsed.
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HIGHWAY IMPROVEMENT STRATEGY

A report of the Executive was submitted.

It was moved by Councillor J Woodall and seconded by Councillor Fraser-Macnamara that the proposals of the Executive regarding the Highway Improvement Strategy, as set out in report now submitted, be approved and adopted.

Amendment

It was moved as an amendment by Councillor Tyler and seconded by Councillor Burt that the aforementioned report be amended by the deletion of the words "together with the promotion of the Kingswinford Line for freight and freight transhipment in conjunction with improvements to the local road network" from paragraph 3.6.1 of the report.

Councillor J Woodall indicated his acceptance of the above amendment.

RESOLVED

That, subject to the deletion of the words "together with the promotion of the Kingswinford line for freight and freight transhipment in conjunction with improvements to the local road network" from paragraph 3.6.1 of the report:-

- (1) The development of a highway improvement strategy, in consultation with the Lead Member for Transportation, be approved.
- (2) That advance design work be undertaken as detailed in the report now submitted.
- (3) That the delivery of the Local Transport Plan programme by way of entering into an early contractor involvement partnership be approved.
- (4) That the Director of the Urban Environment in consultation with the Director of Finance be authorised to seek tenders from four contractors selected by a Quality Assessment Panel.

REVISED BUS STRATEGY 2003-2011

A report of the Executive was submitted.

On the motion of Councillor J Woodall, seconded by Councillor Caunt, it was

RESOLVED

- (1) That the revised Bus Strategy be approved and that the West Midlands Passenger Transport Authority be so advised.
- (2) That the Lead Member for Transportation be authorised to agree any minor changes to the document resulting from its consideration by the other Metropolitan Authorities.

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MOTIONS UNDER COUNCIL PROCEDURE RULE 12.1

- (a) The motion in the name of Councillor Fraser-Macnamara set out in agenda item 5(a) for this meeting and the amendment to it by Councillor Burt, also set out in agenda item 5(a), had been debated at the last meeting but, due to the expiry of the 30 minutes time limit prescribed in the Council Procedure Rules, the matter had not been disposed of at that meeting.

Following further debate, and on the amendment being put to the vote, the amendment was carried. On being put to the vote the substantive motion was also carried and it was therefore

RESOLVED

That this Council notes the proposed European Constitution being prepared by the European Convention may have huge implications for the governance of the United Kingdom including local authorities like Dudley M.B.C. The Constitution may give the European Union "shared competence" over home affairs, transport, energy, social policy, economic and social cohesion, consumer protection and the environment, meaning more legislation and guidance binding upon local government may be decided at a European rather than a national level.

Given that the Government has used referendums to approve other constitutional change affecting local and national government, including establishing regional assemblies and directly - elected mayors, this Council believes the people of Dudley should be able to have their say on these fundamental constitutional changes in a referendum. To this end, this Council therefore resolves to make a formal written submission to the Prime Minister, asking him to consider a national referendum on the proposed European Constitution.

- (b) It was moved by Councillor Burt and seconded by Councillor Shepherd

"That the present method of funding local government services does not give adequate levels of grant to Dudley M.B.C. The present system also exaggerates the impact of grant shortfall on Council Taxpayers who have to make up the difference. A 1% shortfall in Government grant requires on average a 4% increase in Council Tax or equivalent cuts in services. In order to fairer to Council Taxpayers, Dudley Council calls on the Government:

1. To change the balance of funding with a new system for funding local services so that shortfall in central Government grant does not result in disproportionate rises in Local Council Tax.
2. To replace Council Tax with a fair tax relating to the ability to pay.

Amendment

It was moved as an amendment by Councillor Fraser-Macnamara and seconded by Councillor Sparks that the motion be amended by the deletion of the words "2. To replace Council Tax with a fair tax related to the ability to pay".

During debate on the amendment the Mayor informed the Council that the 30 minutes allowed for dealing with all notices of motion on the agenda had expired. This motion would therefore stand referred to the next meeting of the Council, to be included in the summons for that meeting in accordance with Council Procedure Rule 12.2.

MEMBERSHIP OF CERTAIN COMMITTEES AND OUTSIDE BODIES

A report of the Chief Executive was submitted.

Further to the report, Councillor Sparks indicated that the Labour Group also wished to change their representation on the Tree Preservation Orders Committee by replacing Councillor Mrs Wilson with Councillor G.H. Davies.

The Council gave its consent to that additional change in membership being incorporated into the report now submitted.

RESOLVED

- (1) That the membership of the Committees below be changed, as indicated:

<u>Name of Committee</u>	<u>Current Member</u>	<u>New Member</u>
Appointments Committee Executive (Opposition Group Attendee)	Councillor Sunter Councillor Sunter	Councillor Sparks Councillor Hanson
Select Committee on Economic Vitality & Jobs	Councillor Sparks	Councillor Ms Harris
Select Committee on the Environment	Councillor Ms Harris	Councillor Hanson
Development Control Committee	Councillor Sunter	Councillor G.H. Davies
Tree Preservation Orders Committee	Councillor Mrs Wilson	Councillor G.H. Davies

- (2) That Councillor Sparks replace Councillor Sunter as the 'non-voting' representative of the Labour Group on the West Midlands Joint Committee.
- (3) That Councillor Ms Harris replace Councillor Sparks as the representative of the Labour Group on the Regional Planning Partnership of the West Midlands Local Government Association.

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QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

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

The meeting ended at 8.40 p.m.

MAYOR