

DUDLEY METROPOLITAN BOROUGH

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON MONDAY, 16TH APRIL, 2007
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY**

PRESENT:-

Councillor Woodall (Mayor)
Councillor Stanley (Deputy Mayor)
Councillors Adams, Ali, Mrs. Ameson, Mrs. Aston, Attwood, Banks, Blood, Body, Ms. Boleyn, Bradney, Burston, Burt, Caunt, Mrs. Collins, Cotterill, Mrs. Coulter, Mrs. Cowell, Ms. Craigie, Crumpton, G.H. Davies, J. R. Davies, M. Davis, Donegan, Mrs. Dunn, Evans, Mrs. Faulkner, Ms. Foster, Fraser-macnamara, Harley, Ms. Harris, Hill, Islam, Jackson, James, Johnston, Jones, Mrs. Jordan, Knowles, Lowe, Male, Mrs. Martin, Miller, Mrs. Millward, Mottram, Ms. Nicholls, Nottingham, Ms. Partridge, Rahman, Mrs. Ridley, Rogers, Ryder, Mrs. Shakespeare, Simms, Southall, Sparks, Taylor, Tomkinson, A. Turner, Mrs. H. Turner, K. Turner, Tyler, Mrs Walker, Waltho, C Wilson and Wright; together with Directors and other Officers.

PRAYERS

The Mayor's Chaplain, Canon John Everest, led the Council in prayer.

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APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Ahmed, Finch, Mrs. Pearce and Mrs. M. Wilson.

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DECLARATIONS OF INTEREST

Members declared interests, in accordance with the Members' Code of Conduct, as follows:-

Councillor Mrs. Collins – Minute No. 89 of Stourbridge Area Committee (Draft Conservation Area Character Appraisals for Four Canal Based Conservation Areas). Personal interest in view of her son being a Director of the Stourbridge Navigation Trust.

Councillor Donegan – Minute No. 85 of Stourbridge Area Committee (Capital Allocations). Personal and prejudicial interest in view of his Membership of Lye Football Club.

Councillor Waltho – Minute Nos. 79 (Youth Service Provision in Central Dudley Area) and 81 (Adult and Community Learning in the Central Dudley Area) of Central Dudley Area Committee. Personal interests as a member of the Board of Trustees of the St. Thomas's Network.

Councillor Mrs. Aston - Minute No. 75 of Central Dudley Area Committee (Applications in Respect of Land Owned by the Council - Priory Boxing Club) in view of previous attendance at meetings with representatives of the Priory Boxing Club.

Councillor Burston – Minute No. 88 of Halesowen Area Committee (responses to Questions Raised at Halesowen Area Committee on 24th January, 2007). Personal interest in reference to bus service revision in view of his employment by CENTRO.

Councillor Burston – Minute No. 89 of Halesowen Area Committee (Delegated Capital Budget). Personal interest in reference to Earls Gymnastic Club in view of his Governorship of Earls High School.

Councillor Burston – Minute No. 89 of Halesowen Area Committee (Delegated Capital Budget). Personal interest in reference to Lutley Community Centre as the Council's nominee for the Centre.

Councillor Burston – Minute No. 93 of Halesowen Area Committee (Halesowen Town Centre Development). Personal interest in reference to the bus station in view of his employment by CENTRO.

Councillor Mrs. Faulkner – Minutes of the Halesowen Area Committee. Personal and prejudicial interests in any reference made to Halesowen College in view of her being a local resident; reference to Friends of Hope Street Park in view of being a Member of the Group and any reference to Shell Corner Partnership in view of her being the Vice-Chairman.

Councillor Mrs. Shakespeare – Minutes of the Halesowen Area Committee. Personal and prejudicial interests in respect of any reference to Shell Corner Partnership in view of her being a Member and any reference to Friends of Hope Street Park in view of being a Member of the Group.

Councillor K Turner – Minute No. 85 of the Halesowen Area Committee (Groundwork Black Country Presentation). Personal and prejudicial interest in view of him being the Director, Treasurer and Vice-Chairman for Groundwork Black Country and a Board Member of Groundwork Regional.

Councillor Fraser-macnamara – Minute No. 78 of North Dudley Area Committee (Delegated Capital Budget). Personal and prejudicial interest in view of being a Trustee for Sedgley and District Community Association.

Councillor Southall – Minute No. 76 of Brierley Hill Area Committee (Land issues). Personal interests in view of membership of the Development Control Committee.

Councillor Miller – Minute No. 76 of Brierley Hill Area Committee (Land at Audnam Centre and Audnam Road). Personal and prejudicial interest in the discussion of these items at the Area Committee in view of being the Cabinet Member for Adult and Community Services.

Councillor Ms. Harris – Minute No. 76 of Brierley Hill Area Committee (Land at Cottage Street). Personal interest as the Chair of Dudley Primary Care Trust.

Councillor Rahman – Minutes of the Select Committee on Regeneration, Culture and Adult Education. Personal interest in any matter referred to in relation to Leisure Centres as a user of Dudley Leisure Centre.

Councillor Southall – Minute No. 94 of the Development Control Committee (Planning application no. PO6/2167 – Dudley College of Technology, The Broadway, Dudley – Erection of new care and manufacturing centre and new learner services centre. Reorganisation of site roads and car parking. Demolition of locally listed building known as blocks D and E). Personal and prejudicial interest as his daughter was employed by the College.

Councillor Wright – Minute No. 94 of the Development Control Committee (Planning application no. PO6/2067 – 39 Ladbrook Grove, Dudley – Extension to roof to create bedroom en-suite in loft space with rear dormer window, car port at side to support extended roof area (re-submission of refused application PO6/0668)). Personal and prejudicial interest as a personal acquaintance of the proposed builder.

Councillor Mrs. Collins - Minute No. 102 of the Development Control Committee (Finalised Conservation Area Character Appraisals and Management Proposals for four canal-based conservation areas located on the Stourbridge and Dudley Canals). Personal interest as her son was a Director of the Stourbridge Navigation Trust.

Councillor Ms. Foster – Minute No. 104 of the Cabinet (references to Dudley Credit Union). Personal interest in view of her involvement with Dudley Credit Union.

Councillors G. H. Davies and Mrs. Ridney – Minute No. 116 of the Cabinet (references to Coseley Youth Centre). Personal and prejudicial interests in view of their membership of the Youth Centre Advisory Committee.

Councillor Lowe – Minute No. 51 of the Select Committee on Health and Adult Social Care (Future Configuration of Mental Health Services in Dudley and Walsall). Personal interest in view of his being a UNISON Regional Officer.

Councillor Cotterill – All references to Care Homes for the Elderly and Improving the Care Home Environment for Older People. Personal interest as his mother was a recipient of respite care at Arcal Lodge.

Councillor Fraser-macnamara – Minute No. 94 of the Development Control Committee (Planning application no. PO6/2037 – 2 Coopers Bank Road, Dudley – demolition of existing dwelling and erection of six 5-bed and three 4-bed detached dwellings with associated access road (outline) (access, layout and scale to be considered with all other matters reserved for subsequent approval)). Personal and prejudicial interest as the former owners were clients of Blount Macnamara, and Fraser-macnamara Solicitors.

Councillor Burston – Minute No. 106 of the Cabinet (Transport Capital Settlement - Bus Showcase Schemes). Personal interest in view of employment by CENTRO.

Councillor M. Davis - All matters relating to social services. Personal interest as a service user.

Councillor Ms. Harris - Minutes Nos. 48, 50, 51 and 52 of the Select Committee on Health and Adult Social Care. Personal interest as Chair of Dudley Primary Care Trust.

Councillor Ms. Harris - Delegated Decision No. 24 (Land at Cottage Street, Brierley Hill). Personal interest as Chair of Dudley Primary Care Trust (Dudley Primary Care Trust provided services in buildings at Cottage Street).

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MINUTES

RESOLVED

That the minutes of the meetings of the Council held on 26th February and 5th March, 2007 be approved as correct records and signed.

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MAYOR'S ANNOUNCEMENTS

(a) Chartered Institute of Environmental Health – Alan Cross Memorial Award

The Mayor announced that Justin Hanson from the Directorate of the Urban Environment had won the Chartered Institute of Environmental Health - Alan Cross Memorial Award for a dissertation produced during his environmental health studies at Birmingham University. Members congratulated Justin on this outstanding achievement and the Mayor presented the award on behalf of the Council.

(b) Waterways Renaissance Awards – Brierley Hill Waterfront

The Mayor announced the success of Brierley Hill Waterfront in the category of area-based regeneration in the Waterways Renaissance Awards presented by the British Urban Regeneration Association. The Leader addressed the Council and made a presentation to the Mayor in connection with this achievement.

(c) Death of Former Councillors Mercia Fenton and Dot Smart

The Mayor referred, in sympathetic terms, to the deaths of former Councillors Mercia Fenton and Dot Smart. The Council stood in silent tribute as a token of respect to their memory. The Mayor and Members of the Council paid tributes to the many years of public service given by both former Councillors.

(d) Councillors Not Seeking Re-Election

The Mayor reported that Councillors Bradney, Male, Mrs. Pearce and Rogers were not seeking re-election on 3rd May, 2007. Councillor Burt would also not be seeking re-election. Tributes were paid to the retiring Members for their services to the Council.

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COMPREHENSIVE PERFORMANCE ASSESSMENT

A report of the Cabinet was submitted.

It was moved by Councillor Caunt, seconded by Councillor Fraser-macnamara and

RESOLVED

- (1) That the outcome of the Comprehensive Performance Assessment Direction of Travel and 2006 Corporate Performance Assessment be received.
- (2) That the proposed response to improvement areas identified through the Corporate Performance Assessment be endorsed.

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COUNCIL PLAN REVIEW 2007/10

A report of the Cabinet was submitted.

It was moved by Councillor Caunt, seconded by Councillor Fraser-macnamara and

RESOLVED

- (1) That the policy framework of the revised Council Plan be approved.
- (2) That the alignment of the Council Plan and Directorate Strategic Plans to the Community Strategy be noted.

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CAPITAL PROGRAMME MONITORING AND BIDS FOR EXTERNAL FUNDING

A report of the Cabinet was submitted.

It was moved by Councillor Caunt, seconded by Councillor Fraser-macnamara and

RESOLVED

- (1) That the Disabled Facilities Grant and Housing Assistance Grant programmes for 2007/08 be approved, as set out in paragraph 3 of the report.
- (2) That a budget of £1.071m be approved for the Kickstart programme for 2007/08, as set out in paragraph 4 of the report.
- (3) That the “Improving the Care Home Environment for Older People” grant allocation be noted, and the associated expenditure be included in the Capital Programme, as set out in paragraph 5 of the report.
- (4) That the Neighbourhood Learning in Deprived Communities funding be noted and the related expenditure be included in the Capital Programme, as set out in paragraph 6 of the report.
- (5) That, subject to the funding application being successful, the project for the extension / remodelling of Kingswinford Library be approved and included in the Capital Programme, as set out in paragraph 7 of the report.
- (6) That, subject to the bid being successful, the Capital expenditure element of the Gender Inequalities project be approved and included in the Capital Programme, as set out in paragraph 8 of the report.
- (7) That the capital receipt arising from the sale of Grange House be utilised to fund supported housing for the residents, and further modernisation of day services, as set out in paragraph 9 of the report.

- (8) That an element of the sale proceeds from land off Kirkstone Way be earmarked to fund Traffic Calming and Pedestrian Measures and that the Capital Programme be amended accordingly, as set out in paragraph 10 of the report.
- (9) That the acquisition of a new Transport Management Software System be approved and included in the Capital Programme, as set out in paragraph 11 of the report.
- (10) That in respect of Brierley Hill Regeneration, subject to funding applications being successful:-
- (a) the Director of the Urban Environment be authorised to accept any grant funding arising;
 - (b) the Director of Law and Property be authorised to enter into negotiations to acquire one or more premises on terms to be negotiated and agreed by him up to the limit of the funding approved;
 - (c) the Director of Law and Property be authorised to sign the necessary legal agreements with Advantage West Midlands (AWM);
 - (d) the Director of the Urban Environment be authorised to enter into a Joint Venture Agreement between the Council, AWM and the preferred developers;
 - (e) the capital expenditure element of individual schemes be included in the Capital Programme;
- as set out in paragraph 12 of the report.

A report of the Cabinet was submitted.

It was moved by Councillor Knowles, seconded by Councillor Fraser-macnamara and

RESOLVED

- (1) That the revised Economic Strategy for Dudley Borough for 2007/08, as summarised in Appendix 1 of the report, be approved.
- (2) That a full copy of the revised Economic Strategy for Dudley Borough for 2007/08 be placed in the Members' Room for future reference.

NOTICES OF MOTION UNDER COUNCIL PROCEDURE RULE 12(a) PLANNING APPEALS PROCESS

Pursuant to Council Procedure Rule 12, Councillor Simms had given notice of a motion in the following terms:-

“This Council respectfully calls upon the Department for Communities and Local Government to undertake an urgent review of the current planning appeals process with a view to making the process more transparent, equitable and democratic for local residents. This Council believes that, at present, the legislation and process for planning appeals is weighted too heavily in favour of applicants and does not offer sufficient scope for public objectors to participate fully and have their views taken into account in accordance with their democratic rights.”

The motion was moved by Councillor Simms and seconded by Councillor Fraser-macnamara.

During the debate on the motion, it was moved and duly seconded:-

“That the question be now put.”

Pursuant to Council Procedure Rule 14.11(b), the Mayor was of the opinion that matter had not been sufficiently discussed and declined to put the procedural motion to the vote. Following further speakers to the motion, the Mayor gave Councillor Simms his right of reply to the debate pursuant to Council Procedure Rule 14.9.

The original motion was thereupon put to the vote and it was

RESOLVED

That this Council respectfully calls upon the Department for Communities and Local Government to undertake an urgent review of the current planning appeals process with a view to making the process more transparent, equitable and democratic for local residents. This Council believes that, at present, the legislation and process for planning appeals is weighted too heavily in favour of applicants and does not offer sufficient scope for public objectors to participate fully and have their views taken into account in accordance with their democratic rights.

(b) FAIRTRADE

Pursuant to Council Procedure Rule 12, Councillor Lowe had given notice of a motion in the following terms:-

“This Council notes that the Fairtrade Foundation, established in the UK in 1992, seeks to achieve the following:

- To alleviate poverty in developing countries by encouraging industry and consumers in the UK to support fair-trade.
- Through the Fairtrade Mark to guarantee standards for prices and working conditions for Third World producers and growers of products bearing the Mark.

This Council welcomes the initiatives by the Stourbridge Fairtrade Town Status Steering Group and by other groups in Dudley Metropolitan Borough to encourage the sale and use of Fairtrade goods. The increased sale of such goods in the UK directly reduces poverty and supports sustainable community development in the Third World.

There are now over 250 Fairtrade Towns, Cities, Boroughs and Villages in the UK. This Council understands that one of the requirements for Stourbridge and other towns to achieve Fairtrade Town Status is that a resolution must be passed by Dudley MBC in support of Fairtrade and with a commitment to offering Fairtrade tea and coffee at meetings, in its offices, and canteens.

Dudley Council, as an important consumer and opinion leader, should research, develop, and support a strategy, to facilitate the promotion and purchase of foods with the Fairtrade mark, as part of its commitment to promote and support sustainable development and give producers a fair deal.

Accordingly, this Council resolves to establish a working party with two members from each Group. The working party will consult interested community groups, working with designated council officers to:

- Develop activities by Dudley Borough Council supportive of Fairtrade.
- Present recommendations to the Cabinet for passing a supportive Fairtrade Resolution thereby facilitating Stourbridge and other towns in the Borough to seek to achieve Fairtrade Town Status during the 2007/8 Council year.”

During the speech by Councillor Lowe, the Mayor informed the Council that the 30 minutes allowed for dealing with notices of motion on the agenda had expired. In accordance with the Council's Procedure Rules, the notice of motion would therefore stand referred to the next ordinary meeting of the Council.

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QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

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

On consideration of the minutes of the Brierley Hill Area Committee, Councillor Mrs Jordan referred to a point of clarification she had raised at the meeting of the Council on 26th February, 2007 (Minute No. 79 of the Council refers). This related to the accuracy of the decision previously recorded in Minute No. 57 of the Area Committee regarding the sale of land in the Cottage Street area. The Vice-Chairman (Councillor Tyler) undertook to raise the matter at the next meeting of Brierley Hill Area Committee.

The meeting ended at 8.37 pm

MAYOR