

Dudley Metropolitan Borough

Minutes of the proceedings of the Council at the meeting held on Monday, 1st December, 2014 at 6.00 pm at the Council House, Dudley

Present:

Councillor M Aston (Mayor)
Councillor S Waltho (Deputy Mayor)
Councillors A Ahmed, K Ahmed, S Ali, A Aston, N Barlow, C Baugh, C Billingham, H Bills, D Blood, P Bradley, D Branwood, P Brothwood, K Casey, D Caunt, I Cooper, B Cotterill, J Cowell, T Crumpton, W Duckworth, C Elcock, B Etheridge, S Etheridge, M Evans, K Finch, J Foster, A Goddard, C Hale, M Hanif, P Harley, R Harris, D Hemingsley, S Henley, T Herbert, Z Islam, R James, L Jones, K Jordan, I Kettle, P Lowe, I Marrey, J Martin, P Miller, M Mottram, N Neale, G Partridge, C Perks, D Perks, H Rogers, R Scott-Dow, K Shakespeare, G Simms, D Sparks, A Taylor, E Taylor, H Turner, K Turner, S Turner, D Tyler, D Vickers, M Wood and Q Zada together with the Chief Executive and other Officers.

Prayers

The Mayor's Chaplain led the Council in prayer

44 Apologies for Absence

Apologies for absence were received on behalf of Councillors S Arshad, M Attwood, R Body, A Finch, N Gregory, P Martin, M Roberts, D Russell and M Wilson.

45 Declarations of Interests

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

Councillor Q Zada – Minute No. 34 of the Development Control Committee – Planning Application No. P14/1231 (Land Between 123 and 130 Northfield Road, Netherton) – Pecuniary interest in view of him being the applicant and owner of the land.

Councillor H Rogers – Minute No. 14 of the Ernest Stevens Trusts Management Committee (Mary Stevens Park, Worcester Street, Stourbridge – Cafe to Lease) and Minute No. 15 (Stevens Park Wollescote, Quarry Bank Park and Mary Stevens Park, Stourbridge – Provision of Ball Games on Sundays) – Non-pecuniary interest as Chair of the Friends Group for Mary Stevens Park and Swinford Common. Also in relation to her involvement with the Project Implementation Team – Heritage Lottery Bid for Mary Stevens Park and attendance at stakeholder meetings.

Councillor J Cowell – Minute No.14 of the Ernest Stevens Trusts Management Committee (Mary Stevens Park, Worcester Street, Stourbridge – Cafe to Lease) and Minute No. 15 (Stevens Park Wollescote, Quarry Bank Park and Mary Stevens Park, Stourbridge – Provision of Ball Games on Sundays) – Non-pecuniary interest as a Trustee of Mary Stevens Hospice.

Councillor M Hanif – Minute No.14 of the Ernest Stevens Trusts Management Committee (Mary Stevens Park, Worcester Street, Stourbridge – Cafe to Lease) and Minute No. 15 (Stevens Park Wollescote, Quarry Bank Park and Mary Stevens Park, Stourbridge – Provision of Ball Games on Sundays) – Non-pecuniary interest as a Trustee of Mary Stevens Hospice and his attendance at meetings concerning Wollescote Park.

Councillor L Jones – Minute No.14 of the Ernest Stevens Trusts Management Committee (Mary Stevens Park, Worcester Street, Stourbridge – Cafe to Lease) and Minute No. 15 (Stevens Park Wollescote, Quarry Bank Park and Mary Stevens Park, Stourbridge – Provision of Ball Games on Sundays) – Non-pecuniary interest as a former Trustee of Mary Stevens Hospice.

Councillor G Partridge - Minute No.14 of the Ernest Stevens Trusts Management Committee (Mary Stevens Park, Worcester Street, Stourbridge – Cafe to Lease) and Minute No. 15 (Stevens Park Wollescote, Quarry Bank Park and Mary Stevens Park, Stourbridge – Provision of Ball Games on Sundays) – Non-pecuniary interest as she received invitations to the Stakeholders meetings and had been lobbied concerning Minute No. 15.

Councillor I Marrey – Minute No.14 of the Ernest Stevens Trusts Management Committee (Mary Stevens Park, Worcester Street, Stourbridge – Cafe to Lease) and Minute No. 15 (Stevens Park Wollescote, Quarry Bank Park and Mary Stevens Park, Stourbridge – Provision of Ball Games on Sundays) – Non-pecuniary interest in relation to stakeholders meetings.

Councillor M Wood – Minute No. 29 of the Cabinet (Demographic Growth Funding – The Creation of a New Special Educational Needs Post 16 Facility) – Non-pecuniary interest as Governor (and Chair of the Finance Committee) at Halesbury School and Vice-Chair of the Board of Trustees at the People's Field Trust (Halesbury and Sutton Schools).

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

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

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

Councillor G Simms – Issues relating to Looked After Children – Non-pecuniary interest in view of her employment with an independent fostering agency.

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

Councillors M Evans, D Hemingsley and D Sparks – Agenda Item No. 6(b) (Capital Programme Monitoring) – reference to Castle Hill Development – Non-pecuniary interests as trustees of Dudley Zoo.

All Directors and Assistant Directors – Minute No. 30 of the Cabinet (Review of Senior Management and Operational Structure) and Agenda Item No. 9 (Strategic Director and Statutory Officer Appointments) – Pecuniary interests in view of employment with Dudley MBC.

Councillor H Rogers – Agenda Item No. 6(b) and Minute No. 36 of the Cabinet (Capital Programme Monitoring) – reference to Lea Vale Road Culvert – Pecuniary interest as joint owner of 144 Lea Vale Road, Stourbridge.

Councillor D Sparks – Agenda Item No. 6(b) and Minute No. 36 of the Cabinet (Capital Programme Monitoring) – reference to Lea Vale Road Culvert – Pecuniary interest as a member of his family owned a property in Lea Vale Road, Stourbridge.

Councillor D Tyler - Agenda Item No. 6(b) (Capital Programme Monitoring) – reference to Castle Hill Development – Non-pecuniary interest as a Co-opted Member in relation to Dudley Zoo.

Councillor Q Zada – Agenda Item No. 6(d) (Annual Review of the Constitution) – Integrated Transport Authority – Establishment of an Overview and Scrutiny Committee – Non-pecuniary interest as a Member of the Centro Members Joint Committee.

46 **Minutes**

Resolved

That the minutes of the Council held on 13th October, and the Extraordinary Council held on 24th October, 2014 be approved as correct records and signed.

47 **Mayor's Announcements**

Borough Athletes

The Mayor reported on the success of Borough athletes who were in attendance at the meeting. Following the Mayor's comments, the Council congratulated all concerned for their commitment and dedication as they continued to represent the Dudley Borough with great distinction.

Chatback DVD – “Anybody’s Child”

The Mayor reported on the DVD produced by Chatback Productions entitled “Anybody’s Child” to raise awareness concerning child sexual exploitation. Following comments from Councillor T Crumpton, the Mayor presented Jane Ahmed from Chatback with a certificate. The Council congratulated Jane and the Team involved in this production.

The Crystal Dementia Gateway

The Mayor reported that the Crystal Dementia Gateway had recently received a prestigious Gold Standard Award. Following remarks from Councillor D Branwood, the Mayor presented the certificate to representatives of the Crystal Dementia Gateway and the Council congratulated all concerned.

Queens Cross Network

The Mayor reported that the staff at Queens Cross Network had recently been successful in the Great British Care ‘Putting People First’ Awards. Following remarks from Councillor D Branwood, the Mayor presented the award to representatives of the Queens Cross Network and the Council congratulated all concerned.

Civic Carol Service

The Mayor reported that the Civic Carol Service would be held on 18th December, 2014 at 7.30pm at St Mark’s Church, Pensnett.

Sponsored Sleep-out

The Mayor reported that Councillors R Body and P Lowe were holding a sponsored sleep-out from 7.00pm on Christmas Eve to 7.00am on Christmas Day. This was to raise awareness of the support needed to help homeless teenagers in the Black Country. Sponsorship money would be donated to the YMCA Black Country Group Charity.

Sarah Norman

The Mayor welcomed Sarah Norman to the meeting. It was reported that Sarah would be taking up her new role as Chief Executive on 19th January, 2015 and the Mayor wished her every success for the future.

48 **Leader of the Council**

In accordance with Article 7.03 of the Council’s Constitution, Councillor D Sparks reported on his resignation as Leader of the Council with immediate effect.

It was moved by Councillor D Sparks, duly seconded and

Resolved

That, in accordance with the provisions of the Constitution, Councillor P Lowe be elected as Leader of the Council with immediate effect.

49 **Medium Term Financial Strategy**

A report of the Cabinet was submitted.

It was moved by Councillor S Turner, seconded by Councillor P Lowe and

Resolved

- (1) That, in respect of the Council Tax Reduction (CTR) scheme, the transitional arrangement be terminated on 31st March 2015 and that the full 20% cut be implemented from 1st April 2015, and that full protection be given to pensioners, disabled adults, disabled children, war pensioners and lone parents with a child under 5, as set out in paragraph 4 of the report now submitted.
 - (2) That delegated powers be given to the Director of Corporate Resources for making other changes to the documented CTR 2015/16 scheme in line with any government prescribed regulations, upratings and other minor miscellaneous amendments; the resulting 2015/16 scheme documentation to be published on the Council's website before 31st January, 2015.
 - (3) That the delegation for approval of voluntary redundancies to the Cabinet Member for Human Resources, Legal, Property and Health and the Director of Corporate Resources, and of compulsory redundancies to the Cabinet Member for Human Resources, Legal, Property and Health and the Assistant Director for Human Resources and Organisational Development be confirmed up to an initial maximum of £5.0m for direct redundancy costs and the capitalised cost of pension strain, in respect of redundancies required to achieve the proposed savings set out in the report submitted to the Cabinet.
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50 **Capital Programme Monitoring**

A report of the Cabinet was submitted.

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

Resolved

- (1) That current progress with the 2014/15 Capital Programme, as set out in Appendix A to the report, be noted and that budgets be amended to reflect the reported variances.

- (2) That £600,000 of funding be reallocated from the Housing Assistance Grants budget in order to address pressures on waiting lists for Disabled Facilities Grants, in 2014/15, as set out in paragraph 5 of the report now submitted.
 - (3) That the allocation of funding for the North Priory Community Centre be noted, and the project included in the Capital Programme, as set out in paragraph 6 of the report now submitted.
 - (4) That the Clean Vehicle Technology funding allocation be noted and the expenditure included in the Capital Programme, as set out in paragraph 7 of the report now submitted.
 - (5) That the proposed improvements to Coronation Gardens be included in the Capital Programme, as set out in paragraph 8 of the report now submitted.
 - (6) That the revised funding for the third phase of the Dudley Grid for Learning project be approved, as set out in paragraph 9 of the report now submitted.
 - (7) That the urgent amendment to the Capital Programme, as set out in paragraph 10 of the report now submitted, be noted.
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51 **Review of Housing Finance**

A report of the Cabinet was submitted.

It was moved by Councillor G Partridge, seconded by Councillor D Sparks and

Resolved

- (1) That the revised Housing Revenue Account (HRA) budget for 2014/15 as indicated in paragraphs 5 to 13, and as set out in Appendix 1 to the report, be approved.
 - (2) That the revised Public Sector Housing capital programme for 2014/15 to 2018/19 as indicated in paragraphs 14 to 16 and as set out in Appendix 2 to the report, including the increase in HRA borrowing in 2015/16 and 2016/17 to fund new building under the Local Growth Fund, be approved.
 - (3) That provision for the buy back of the properties, as referred to in paragraph 17 of the report now submitted, be added to the Capital Programme as the properties are purchased.
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52 **Annual Review of the Constitution**

A report of the Cabinet was submitted.

It was moved by Councillor R Harris, seconded by Councillor D Sparks and

Resolved

- (1) That the Director of Corporate Resources be authorised to make any urgent, necessary or consequential changes to the Constitution arising from the ongoing review of the Council's Senior Management and Organisational Structure.
 - (2) That the Overview and Scrutiny Management Board consider revisions to the Council's Scrutiny Committees and associated scrutiny arrangements in advance of the 2015/16 municipal year with a view to recommendations being submitted to the annual meeting of the Council in May, 2015.
 - (3) That the creation of the Integrated Transport Authority (ITA) Overview and Scrutiny Joint Committee in the form set out in the report and at Appendix 1 be approved.
 - (4) That a Member be appointed as this Council's representative on the ITA Overview and Scrutiny Joint Committee.
 - (5) That West Midlands Joint Committee be given delegated powers to determine the remaining places on the ITA Overview and Scrutiny Joint Committee on the principles set out in this report and Appendix 1 in order to establish political proportionality.
 - (6) That the Director of Corporate Resources be authorised to agree and enter into such documents that are necessary to give effect to the above decisions concerning the ITA Overview and Scrutiny Joint Committee.
 - (7) That the proposals set out in this report to comply with the Openness of Local Government Bodies Regulations 2014 be approved, including the amendment of Council Procedure Rule 24.6 as referred to in paragraph 28.
 - (8) That the amendment of the Employee Code of Conduct, as set out in paragraph 33, be endorsed.
 - (9) That appropriate references to the Anti –Social Behaviour, Crime and Policing Act 2014 and the specific provisions referred to in paragraph 36 be included in Part 3 of the Constitution under the portfolios of the relevant Cabinet Members and Officers.
 - (10) That the proposed amendments to the powers relating to dangerous trees and the functions of the Development Control Committee relating to trees be approved, subject to the revised wording of the Development Control Committee terms of reference being agreed by the Director of Corporate Resources in consultation with the Director of the Urban Environment and the Chair and Vice-Chair of the Development Control Committee.
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Notices of Motion(a) Procurement Strategy

Pursuant to Council Procedure Rule 12, Councillor Q Zada had given notice of a motion on 24th October, 2014.

The Mayor reported that under Council Procedure Rule 12.2, Councillor Q Zada had given notice that consideration of the motion would be deferred.

(b) Public Houses

Pursuant to Council Procedure Rule 12, Councillor P Brothwood had given notice of a motion on 11th November, 2014.

A proposed amendment had been circulated around the Council Chamber. Councillor Brothwood indicated that he was content with the wording of the proposed amendment. With the consent of the Council, Councillor Brothwood altered his original motion in accordance with Council Procedure Rule 14.7 to incorporate the amended wording.

The following motion was moved by Councillor P Brothwood and seconded by Councillor D Perks.

“Public Houses: The Council instructs that an immediate review is undertaken of the relevant policies, planning legislation and guidance concerning the change of use or redevelopment of a Public House, with a view to an assessment being undertaken of:

- (a) A Viability report that demonstrates to the Council's satisfaction that the public house is no longer economically viable, including the length of time the public house has been vacant, evidenced by the applicant of active and appropriate marketing for a constant period of at least 36 months at the existing use value;
- (b) The role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute to a shortfall in local provision, including evidence that the premises have been offered to use or to hire at a reasonable charge to community or voluntary organisations over a 12 month period and there is no longer a demand for such use;

- (c) The design, character and heritage value of the public house and the significance of the contribution that it makes to the streetscape and local distinctiveness, and where appropriate historic environment, and the impact the proposal will have on its significance;
- (d) The ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building;

and that a report is submitted to the Cabinet Member for Regeneration for consideration and then to be reported back to the next available Development Control Committee.”

A closure motion was moved by Councillor K Turner, duly seconded and

Resolved

That the question be now put.

Councillor P Brothwood did not exercise his right of reply pursuant to Council Procedure Rule 14.9.

The original motion, as altered by Councillor Brothwood, was thereupon put to the vote and it was

Resolved

Public Houses: The Council instructs that an immediate review is undertaken of the relevant policies, planning legislation and guidance concerning the change of use or redevelopment of a Public House, with a view to an assessment being undertaken of:

- (a) A Viability report that demonstrates to the Council's satisfaction that the public house is no longer economically viable, including the length of time the public house has been vacant, evidenced by the applicant of active and appropriate marketing for a constant period of at least 36 months at the existing use value;
- (b) The role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute to a shortfall in local provision, including evidence that the premises have been offered to use or to hire at a reasonable charge to community or voluntary organisations over a 12 month period and there is no longer a demand for such use;

- (c) The design, character and heritage value of the public house and the significance of the contribution that it makes to the streetscape and local distinctiveness, and where appropriate historic environment, and the impact the proposal will have on its significance;
- (d) The ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building;

and that a report is submitted to the Cabinet Member for Regeneration for consideration and then to be reported back to the next available Development Control Committee.

(c) Combined Authority

Pursuant to Council Procedure Rule 12, Councillor B Etheridge had given notice of a motion on 11th November, 2014.

The following motion was moved by Councillor B Etheridge and seconded by Councillor P Brothwood.

“The Council notes the joint press statement dated 7th November, 2014 issued by the Leaders of the four Black Country Councils and Birmingham City Council concerning their agreement, in principle, to work as a Combined Authority.

There has been insufficient discussion of the implications of this key strategic issue at the Cabinet and the full Council. Councillors and local people have not been given the opportunity to engage in full and meaningful consultation on these proposals.

This Council therefore resolves:

- (1) That all work on the formation of a Combined Authority be suspended until such time as the implications have been fully debated; and
- (2) That a debate for all 72 Members concerning the Combined Authority proposals be organised to take place in this Council Chamber as a matter of urgency.”

An amendment was moved by Councillor P Lowe and seconded by Councillor P Harley to amend the motion as set out below:-

“The Council notes the joint press statement dated 7th November, 2014 issued by the Leaders of the four Black Country Councils and Birmingham City Council concerning their agreement, in principle, to work as a Combined Authority.

We recognise the need for significant discussion of the implications of this key strategic issue at the Cabinet and the full Council. Councillors and local people will need to be given the opportunity to engage in full and meaningful consultation on these proposals as they emerge.

This Council therefore resolves:-

- (1) That the Leader works with officers to establish an all-Party Group to discuss the implications of a Combined Authority and feedback to all Members and the wider community as the detail emerges.”

Following a debate on the amendment, a closure motion was moved by Councillor S Turner, duly seconded and

Resolved

That the question be now put.

Councillor B Etheridge exercised his right of reply to the debate pursuant to Council Procedure Rule 14.9.

The amendment was put to the vote and carried.

The motion, as amended, thereupon became the substantive motion. The substantive motion was put to the meeting and it was

Resolved

The Council notes the joint press statement dated 7th November, 2014 issued by the Leaders of the four Black Country Councils and Birmingham City Council concerning their agreement, in principle, to work as a Combined Authority.

We recognise the need for significant discussion of the implications of this key strategic issue at the Cabinet and the full Council. Councillors and local people will need to be given the opportunity to engage in full and meaningful consultation on these proposals as they emerge.

This Council therefore resolves:-

- (1) That the Leader works with officers to establish an all-Party Group to discuss the implications of a Combined Authority and feedback to all Members and the wider community as the detail emerges.

54 **Questions under Council Procedure Rule 11**

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

55 **Strategic Director and Statutory Officer Appointments**

NB: All Directors, Assistant Directors and the Treasurer left the meeting during consideration of this item.

A report of the Chief Executive was submitted.

It was moved by Councillor P Lowe, seconded by Councillor S Turner and

Resolved

- (1) That with effect from 19th January, 2015:-
 - (a) John Millar be appointed to the post of Strategic Director (Environment, Economy and Housing), in accordance with the salary and terms and conditions of employment applicable to the post.
 - (b) Philip Tart be appointed to the post of Strategic Director (Resources and Transformation), in accordance with the salary and terms and conditions of employment applicable to the post and that Philip Tart continue to be designated as the Council's Monitoring Officer in the role of Strategic Director.
 - (c) Iain Newman continue to be designated as the officer responsible for the proper administration of the Council's financial affairs under and in accordance with Section 151 of the Local Government Act, 1972 in his role as Chief Officer (Finance and Legal Services).
- (2) That subject to the necessary pre-employment checks, the Council note that Deborah Harkins will be appointed to the post of Chief Officer (Health and Wellbeing), and that Ms Harkins be designated as the statutory Director of Public Health from 19th January, 2015.
- (3) That the external advertisement of the post of Strategic Director (People Services) to undertake statutory adult social care and children's services responsibilities be noted; that interviews be undertaken by the Appointments Committee and a subsequent recommendation be made to the Council on 19th December, 2014.

- (4) That the Strategic Director (Resources and Transformation), in consultation with the Leader, the appropriate Cabinet Member(s) and the Chief Officer (Finance and Legal Services) be authorised to make the necessary internal arrangements for the nomination of the Deputy Monitoring Officer and Deputy Section 151 Officer.
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56 **Urgent Business**

There was no urgent business raised under the provisions of the Local Government Act 1972.

The Mayor wished everyone a Merry Christmas and reminded Members that there would be an extraordinary meeting of the Council at 5.00pm on Friday, 19th December, 2014.

The meeting ended at 7.50pm

MAYOR