

**DUDLEY METROPOLITAN BOROUGH**

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL**  
**AT THE MEETING HELD ON MONDAY, 22<sup>ND</sup> FEBRUARY, 2010**  
**AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY**

**PRESENT:-**

Councillor Mrs. P. Martin (Mayor)  
Councillor Miller (Deputy Mayor)  
Councillors Adams, Ahmed, Ali, Mrs. Aston, Attwood, Banks, Barlow, D. Blood, Mrs. E. Blood, Body, Ms. Boleyn, Burston, Caunt, Mrs. Coulter, Mrs. Cowell, Crumpton, G. H. Davies, J. D. Davies, J. R. Davies, M. Davis, Mrs. Dunn, Evans, Mrs. Faulkner, J. Finch, K. Finch, Foster, Mrs. Greenaway, Hanif, Mrs. D. Harley, P. Harley, Ms. Harris, Hill, Islam, James, Jones, Mrs. Jordan, Kettle, Knowles, Lowe, J. R. Martin, Mrs. Millward, Mottram, Ms. Nicholls, Nottingham, Ms. Partridge, Mrs. Ridley, Mrs. Roberts, Mrs. Rogers, Ryder, Mrs. Shakespeare, Simms, Southall, Sparks, Stanley, Taylor, A. Turner, Mrs. H. Turner, K. Turner, Tyler, Vickers, Mrs. Walker, Waltho, While-Cooper, C. Wilson, Mrs M. Wilson, Woodall and Wright, together with the Chief Executive and other Officers.

**PRAYERS**

The Mayor's Chaplain led the Council in prayer.

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**APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Mrs. Ameson and Cotterill.

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**DECLARATIONS OF INTEREST**

Declarations of Personal and Prejudicial Interests, in accordance with the Members' Code of Conduct, were made by the following in respect of the matters indicated:

Councillor Mrs. Rogers – Minute No. 45 of Stourbridge Area Committee (Issues Raised by Members of the Committee) - Personal interest as Chairman of the Friends of Mary Stevens Park.

Councillors Hanif and A. Tuner – Minute No. 40 of Stourbridge Area Committee (Public Forum) - Personal and prejudicial interests in reference to their membership of the Executive Committee of the Lye and Wollescote Partnership Group.

Councillor Lowe – Minute No. 40 of Stourbridge Area Committee (Public Forum) - Personal interest in view of his involvement at meetings of the Lye and Wollescote Partnership Group.

Councillor Mottram – Minute No. 59 of North Dudley Area Committee (Delegated Capital Allocations – application by Lake Street Methodist Church) - Personal and prejudicial interest in view of his friendship with the applicant, whom he had worked for previously.

Councillor Wright – Minute No. 75 of North Dudley Area Committee (Extra Care Housing DVD and Model for Coseley) - Personal interest as a tenant of the providers of the Extra Care Housing.

Councillors Mrs. Millward and Wright – Minute No. 73 of North Dudley Area Committee (Public Forum) - Personal and prejudicial interests in respect of an issue relating to Ellowes Hall School as governors of the School.

Councillors Ms. Boleyn and Tyler – Minute No. 57 of Brierley Hill Area Committee (Ward Issue relating to the resurfacing of the car park at the Wall Heath Community Centre) – Personal interests as Council representatives on the Community Association.

Councillors Ms. Boleyn and Tyler – Minute No. 70 of Brierley Hill Area Committee (Capital Allocation - Wall Heath Community Centre) - Personal interests as Council representatives on the Community Association.

Councillor Ms. Harris - Minute No. 70 of Brierley Hill Area Committee (Capital Allocation – Dudley MBC Employees' Sports and Social Club) – Personal interest as a Member of that Club.

Councillor Hill – Minute No. 67 of Halesowen Area Committee (Flag for Halesowen) – Personal interest in view of having been in discussion with the vexillographer of one of the flags under consideration.

Councillors Hill and James – Minute No. 76 of Halesowen Area Committee (Earls High School Foundation – Final Accounts) – Personal interests in view of their School Governorship.

Councillor Ali – Minute No. 73 of Central Dudley Area Committee (Safer Routes to School 2009/10 Castle High School, Dudley – Proposed Restriction of Waiting Order in Priory Road, Dudley) – Personal interest as a Foundation Trustee for Castle High School.

Councillor Mrs. Coulter – Minute No. 75 of Central Dudley Area Committee (Capital Allocations - St Andrew's Resident's Trust) – Personal interest as she was known to some of the Members of the Trust.

Councillor Mrs. Aston – Minute No. 34 of the Select Committee on Health and Adult Social Care (Annual Performance Assessment of NHS Trusts for 2009/10) – Personal interest as her son was an employee of West Midlands Ambulance Service.

Councillor Mrs. Aston – Minute No. 42 of the Select Committee on Health and Adult Social Care (West Midlands Ambulance Service Review) – Personal interest as her son was an employee of West Midlands Ambulance Service.

Councillor K. Turner – Minute No. 45 of the Select Committee on Health and Adult Social Care (Update on Dudley's Healthy Towns Programme) - Personal and prejudicial interest as the Director/Treasurer of Groundwork Black Country.

Councillor Wright – Minute No. 56(xiii) of the Development Control Committee (Planning Application No. P09/1365 - land adjacent to 11 Straits Road, Lower Gornal) - Personal and prejudicial interest as the applicant was a personal acquaintance.

Councillor Barlow – Minute No. 65(viii) of the Development Control Committee (Planning Application No. P09/1380 - Mary Stevens Park, Worcester Street, Stourbridge) - Personal and prejudicial interest due to having held discussions with various groups and having made comments about the scheme.

Councillor Southall – Minute No. 65(vii) of the Development Control Committee (Planning Application No. P09/1366 - The Dell Sports Stadium, Bryce Road, Brierley Hill) - Personal interest as a Council Member of the Birmingham County Football Association.

Councillor Southall – Minute No. 65(viii) of the Development Control Committee (Planning Application No. P09/1380 - Mary Stevens Park, Worcester Street, Stourbridge) – Personal interest as a Council Member of the Birmingham County Football Association.

Councillor Southall – Minute No. 65(iii) of the Development Control Committee (Planning Application No. P09/1383 - Huntingtree Park, Huntingtree Road, Halesowen) – Personal interest in view of comments made with regard to football rooms and hosting Football Association courses as a Council Member of the Birmingham County Football Association.

Councillor C. Wilson – Minute No. 71(vi) of the Development Control Committee (Planning Application No. P09/1167 - 1 Prospect Hill, Stourbridge) - Personal and prejudicial interest in view of his association with Oldswinford Hospital.

Councillor Barlow – Minutes Nos. 77(i) and (ii) of the Development Control Committee (Planning Application Nos. P09/1070 and P09/1785 - Foster and Rastrick, Lowndes Road, Stourbridge) – Personal and prejudicial interests as a patient of Worcester Street Surgery.

Councillors A. Turner, Mrs. H. Turner and K. Turner – Minute No. 77(viii) of the Development Control Committee (Planning Application No. P09/1614 - Struggling Man, Prospect Row, Dudley) - Personal and prejudicial interests as they knew the developer/applicant.

Councillor Southall – Minute No. 77(v) of the Development Control Committee (Planning Application No. P09/1533 - Swindon Road/Kidderminster Road, Wall Heath, Kingswinford) - Personal interest as a Council Member of the Birmingham County Football Association.

Councillor James – Minute No. 92 of the Taxis Committee (Review of Private Hire Driver's Licence) - Personal and prejudicial interest in view of him knowing the witness referred to in this case.

Councillor K. Turner – Minute No. 92 of the Taxis Committee (Review of Private Hire Driver's Licence) - Personal and prejudicial interest as he used the services of the firm and driver in question.

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

Councillor Ms. Harris - All references to matters relating to health and social care in so far as they relate to the business of Dudley Primary Care Trust as partners, co-commissioners and co-providers of services in the Borough - Personal interest as Chair of Dudley Primary Care Trust.

Councillors Ms. Boleyn and Tyler - Agenda Item No. 6(c) (Capital Programme Monitoring) - Personal Interest as a Member of Wall Heath Community Centre Management Committee.

Councillor Ms. Boleyn – Minute No. 77(v) of the Development Control Committee (Planning Application No. P09/1533 – Swindon Road/Kidderminster Road, Wall Heath, Kingswinford) - Personal interest as Club Welfare Officer and Charity Trustee of Kewford Eagles Football Club.

Councillor Burston - Minute No. 57 of North Dudley Area Committee (Bus Shelters along Route 558) - Personal interest on account of employment with CENTRO.

Councillor Burston - Minute No. 32 of the Select Committee on Health and Adult Social Care (Bus services to/from Russells Hall Hospital) - Personal interest on account of employment with CENTRO.

Councillor Mrs. M. Wilson - Agenda Item No. 6(d) (Deployment of Resources, Housing Revenue Account and Public Sector Housing Capital) - Personal interest as a Council tenant.

Councillor Mrs. Jordan - Delegated Decision 24 (Approval of Himley Hall Wedding Ceremony and Reception Fees 2010/11, 2011/12 and 2012/13) - Personal interest insofar as her daughter was a service user (ie: she had booked a wedding at Himley Hall).

Councillors Mrs. Aston, J. Finch and K. Finch - Agenda Item No. 6(d) (Deployment of Resources, Housing Revenue Account and Public Sector Housing Capital – insofar as it referred to North Priory) - Personal interest as ward members on North Priory Project Board.

Councillors Mrs. Aston, A. Finch and K. Finch - Delegated Decision No. 10 (North Priory Road Closures) - Personal interest as ward members on North Priory Project Board.

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MINUTES

RESOLVED

That the minutes of the meetings held on 30<sup>th</sup> November, 2009, be approved as correct records and signed.

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MAYOR'S ANNOUNCEMENTS

(a) Street Cleansing Team - Association of Public Service Excellence Awards

The Mayor referred to success of the Council's Street Cleansing Team in the national Association of Public Service Excellence awards. Following remarks by Councillor Adams, the Mayor presented the award to representatives of the Team.

(b) Charity Indoor Cricket Match - 30<sup>th</sup> January, 2010

The Mayor reported that a charity indoor cricket match had been held on Saturday, 30<sup>th</sup> January, 2010 at Pensnett School. The Mayor thanked Councillor Hanif and all the Members, Officers and others involved for organising and attending this event.

(c) Mayor's Ball/Charity Event – 12<sup>th</sup> March, 2010

The Mayor reminded the Council that tickets for the "Swingin' the Blues" charity event at Himley Hall on 12<sup>th</sup> March, 2010 were on sale. All proceeds would go to the Mayor's charities.

(d) The Arctic Challenge

The Mayor reminded the Council that her Attendant (Mike Crannage) would be undertaking the Arctic Challenge, in support of the Mayor's Charities, during March, 2010. Sponsorship forms were available and the Council wished Mr. Crannage every success in this undertaking.

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69 VACANCY IN SEDGLEY WARD

A report of the Chief Executive and Returning Officer was submitted.

It was moved by Councillor Mrs. Millward, seconded by Councillor Jones and

RESOLVED

That the Council note the vacancy in the Sedgley Ward and that an election to fill the vacancy be held on Thursday, 6<sup>th</sup> May, 2010.

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70 REVIEW OF THE COMMUNITY STRATEGY

A report of the Cabinet was submitted.

It was moved by Councillor Mrs. Millward, seconded by Councillor Jones and

RESOLVED

That the Community Strategy be approved.

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71 UPDATE OF THE COUNCIL'S CAPITAL STRATEGY

A report of the Cabinet was submitted.

It was moved by Councillor Mrs. Millward, seconded by Councillor Jones and

RESOLVED

That the updated Capital Strategy be approved.

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72 CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

It was moved by Councillor Mrs. Millward, seconded by Councillor Jones and

RESOLVED

- (1) That subject to the relevant element of the Revenue Budget Strategy being agreed, the capital expenditure to be funded from prudential borrowing be included in the Capital Programme, as set out in paragraphs 5 and 6 of the report now submitted.
- (2) That a further allocation of £500,000 be made for Disabled Facilities Grants, and that the Capital Programme be amended accordingly, as set out in paragraph 7 of the report now submitted.
- (3) That the expenditure of £241,000 for Innovation Funding in support of the Kickstart programme be approved and included in the Capital Programme, as set out in paragraph 8 of the report now submitted.
- (4) That the installation of one new columbarium wall at Gornal Wood and two new memorial planters at Stourbridge Crematoria be approved and included in the Capital Programme, as set out in paragraph 9 of the report now submitted.
- (5) That the erection of a modular office / mess room building at King George V Park, Wordsley be approved and included in the Capital Programme, as set out in paragraph 10 of the report now submitted.
- (6) That any capital expenditure incurred in relation to the Empty Shops Scheme be included in the Capital Programme, as set out in paragraph 11 of the report now submitted.
- (7) That expenditure funded by Risk Management contributions to capital works be included in the Capital Programme, as set out in paragraph 12 of the report now submitted.
- (8) That the urgent amendments to the Capital Programme, as set out in paragraphs 13 to 17 of the report now submitted be noted.
- (9) 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 A of the report now submitted, be agreed.

- (10) That the Minimum Revenue Provision (MRP) Policy for 2010/11, and the updated Policy for 2009/10, be as set out in paragraph 21 of the report now submitted.
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DEPLOYMENT OF RESOURCES: HOUSING REVENUE ACCOUNT  
AND PUBLIC SECTOR HOUSING CAPITAL

A report of the Cabinet was submitted.

It was moved by Councillor Simms, seconded by Councillor Jones and

RESOLVED

- (1) That the revised Housing Revenue Account (HRA) budget for 2009/10 and the HRA budget for 2010/11, as outlined in Appendix 1 to the report now submitted, be approved.
- (2) That the public sector housing revised capital budget for 2009/10 and capital budget for 2010/11 to 2014/15, attached as Appendix 2 to the report now submitted, be approved.
- (3) That the Director of Corporate Resources be authorised to undertake such appropriations as may be necessary to allow the site of the former Holly Hall estate office, Woodside Library and Directorate of the Urban Environment garages to be converted to apartments under the control of the Housing Revenue Account as set out in paragraph 23 of the report now submitted.
- (4) That the Director of Adult, Community and Housing Services 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 paragraph 25 of the report now submitted.
- (5) That the Director of Adult, Community and Housing Services, in consultation with the Cabinet Member for Housing, Libraries and Adult Learning, be authorised to manage and allocate resources to the capital programme as outlined in paragraph 26 of the report now submitted.
- (6) That the Council confirm that all capital receipts arising from the sale of HRA assets (other than those specifically committed to support private sector housing) should continue to be used for the improvement of Council homes, as referred to in paragraph 26 of the report now submitted.



- (7) That the Director of Adult, Community and Housing Services be authorised to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraph 27 of the report now submitted.
  - (8) That the medium-term financial strategy, as set out in Appendix 4 to the report now submitted, be approved with the caveat that current forecasts after 2010/11 be treated with caution owing to the present uncertainty around the future of HRA funding and that a further report be presented to the Cabinet outlining the outcome of the HRA subsidy review and the impact on future years' budgets, when this information is available.
  - (9) That the actions taken by the Cabinet under delegated powers, as indicated in the report now submitted, be noted.
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#### TREASURY MANAGEMENT

A report of the Audit Committee was submitted.

It was moved by Councillor Taylor, seconded by Councillor Jones and

#### RESOLVED

- (1) That the treasury management activity, as set out in the report now submitted, be noted.
  - (2) That the revised Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code of Practice 2009 be adopted.
  - (3) That the four amended clauses, as detailed in Appendix 1 to the report now submitted, be incorporated into the Council's Financial Regulations.
  - (4) That the Treasury Strategy 2010/11, attached as Appendix 2 to the report now submitted, be approved.
  - (5) That the Interim Director of Finance be authorised to effect such borrowings, repayments and investments as appropriate; and be consistent with the approved Treasury Strategy and relevant guidance.
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AMENDMENTS TO THE CONSTITUTION – REMODELLING OF  
COUNCIL SERVICES AND STRUCTURES – DIRECTORATE OF  
CORPORATE RESOURCES

A report of the Chief Executive was submitted.

It was moved by Councillor Mrs. Millward, seconded by Councillor Jones and

RESOLVED

- (1) That Philip Tart, Director of Corporate Resources, be designated as the Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989 and that the Interim Assistant Director (Legal and Democratic Services) continue to undertake the role as the Deputy Monitoring Officer.
- (2) That the amendments to Article 12 of the Constitution (Officers), as set out in Appendix 1 to the report now submitted, be approved subject to all amendments relating to the new post of Treasurer becoming effective from the date of the appointment of an Officer to that substantive post.
- (3) That all references in the Constitution to the post of Director of Finance be deleted and replaced with reference to the new post of Treasurer, with effect from the date of the appointment of an Officer to that substantive post.
- (4) That the amendments to the Officer Employment Procedure Rules, as set out in Appendix 2 to the report now submitted, be approved with immediate effect.
- (5) That the Director of Corporate Resources be authorised to make any further direct or consequential amendments to the Constitution arising from the remodelling of Council Services and Structures and the formation of the Directorate of Corporate Resources.
- (6) That a report be submitted to a future meeting of the Council on the formal designation of the person appointed to the post of Treasurer as the Officer responsible for the proper administration of the financial affairs of the Council under, and in accordance with, Section 151 of the Local Government Act 1972 and the associated arrangements for the designation of a Deputy Section 151 officer.

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QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

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

The meeting ended at 7.43 p.m.

MAYOR