

DUDLEY METROPOLITAN BOROUGH

MINUTES OF THE PROCEEDINGS OF THE COUNCIL
AT THE MEETING HELD ON MONDAY, 11TH OCTOBER, 2010
AT 6.00 PM AT THE COUNCIL HOUSE, DUDLEY

PRESENT: -

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

PRAYERS

The Mayor's Chaplain led the Council in prayer.

(The meeting stood adjourned at 6.05pm and recommenced at 6.10pm)

33 APOLOGIES

Apologies for absence were received on behalf of Councillors Mrs Roberts, Mrs H Turner and Mrs M Wilson.

34 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 Body – Minute No. 21 of Halesowen Area Committee (Delegated Capital Budget) – Personal and prejudicial interest on account of him being a Trustee of Wollescote Community Association.

Councillor Body – Minute No.14(c) of Halesowen Area Committee (Homer Hill Park) – Personal interest as the Chair of the Friends of Homer Hill Park.

Councillor Burston – Minute No. 20 of Halesowen Area Committee (Halesowen Town Centre Development) – Personal interest on account of him being employed by CENTRO.

Councillor Ms Partridge – Minute No. 21 of Halesowen Area Committee (Delegated Capital Budget) - Personal and Prejudicial interest on account of her being a Trustee of Wollaston Community Association.

Councillor K Turner – Minute No. 21 of Halesowen Area Committee (Delegated Capital Budget) - Personal and Prejudicial interest on account of him being a regular Worshipper and member on the electoral roll for St. Margaret's of Antioch Church.

Councillor K Turner – Minute No. 12 of Halesowen Area Committee (Emergency Services Issues) - Personal interest on account of him being a Member of the West Midlands Fire and Rescue Authority.

Councillor Body – Minute No. 38 of Halesowen Area Committee (Delegated Capital Budget) – Personal and prejudicial interest on account of him being a Trustee of Wollescote Community Association.

Councillor Burston – Minute No. 36 of Halesowen Area Committee (Halesowen Town Centre Development) – Personal interest on account of him being employed by CENTRO.

Councillor Crumpton – Minute No. 38 of Halesowen Area Committee (Delegated Capital Budget) – Personal and prejudicial interest on account of him being a Trustee of Wollescote Community Association.

Councillor James - Minute No. 37 of Halesowen Area Committee (Earls High School Foundation – Application for Grant) – Personal interest on account of him being a Governor of the School.

Councillor Hill – Minute No.37 of Halesowen Area Committee (Earls High School Foundation – Application for Grant) – Personal interest on account of him being a Governor of the School.

Councillor Ms Partridge – Minute No.38 of Halesowen Area Committee (Delegated Capital Budget) - Personal and prejudicial interest on account of her being a Trustee of Wollaston Community Association.

Councillor K Turner – Minute No. 38 of Halesowen Area Committee (Delegated Capital Budget) – Personal interest on account of him being a regular attendee at St. Margaret's of Antioch Church.

Councillor K Turner – Minute No. 27 of Halesowen Area Committee (Emergency Services Issues) – Personal and prejudicial interest on account of him being the Deputy Shadow Leader for West Midland Fire and Rescue Authority.

Councillor K Turner – Minute No. 36 of Halesowen Area Committee (Halesowen Town Centre Development) – Personal and prejudicial interest on account of him being a Member of the Halesowen and Rowley Regis Rotary Club and a member of the Organising Committee for the Halesowen Victorian Fair.

Councillor J Woodall – Minute No. 15 of the Select Committee on Regeneration, Culture and Adult Education (The Leasowes Restoration) – Personal interest on account of him being a member of the Friends of Leasowes Park.

Councillor Attwood – Minute No.17 of the Select Committee on Regeneration, Culture and Adult Education (Heritage, Culture and Leisure Partnership Update) – Personal interest on account of him being a Member of the Heritage, Culture and Leisure Partnership Board.

Councillor Wright – Minute No. 18(ii) of the Development Control Committee (Planning Application No. P10/0387 5 – 7 Flavells Lane, Lower Gornal, Dudley). Personal and prejudicial interest on account of him being a friend, had worked for, and was at school with the applicant.

Councillor Southall – Minute No. 25(iv) of the Development Control Committee (Planning Application No P10/0733). Personal interest on account of reference made to football pitches and the gym being used by football teams/clubs, which could be affiliated to the Birmingham County Football Association of which he was a Council Member.

Councillor Southall – Minute No. 25(v) of the Development Control Committee (Planning Application No P10/0816) – Personal interest on account of reference made to football pitches and the gym being used by football teams/clubs, which could be affiliated to the Birmingham County Football Association, of which he was a Council Member.

Councillor Wright – Minute No. 25(iv) of the Development Control Committee (Planning Application No P10/0733 – The Ellowes Hall School, Stickley Lane, Lower Gornal – Construction of 4 No. 5 A Side Football Pitches). Personal and prejudicial interest on account of him being a Governor of the School and speaking as a Ward Councillor in support of the application.

Councillor Wright – Minute No. 25(v) of the Development Control Committee (Planning Application No P10/0816 – The Ellowes Hall School, Stickley Lane, Lower Gornal –erection of New Sport Hall) – Personal and prejudicial interest on account of him being a Governor of the School and speaking as a Ward Councillor in support of the application.

Councillor Wright – Minute No. 25(x) of the Development Control Committee (Planning Application No P10/0735 – Gibbs Road House, Gibbs Road, Lye, Stourbridge) – Personal and prejudicial interest on account of him being a tenant of Midland Heart.

Councillor C Wilson – Minute No 25(vi) of the Development Control Committee (Planning Application No. P10/0688 – 41 Osmaston Road, Norton, Stourbridge – Two Storey rear extension) – Personal and prejudicial interest on account of him knowing the applicants.

Councillor Southall – Minute No. 30(ii) of the Development Control Committee (Planning Application No. P10/0736 – Bell Hotel, 20 Market Street, Stourbridge) – Personal and prejudicial interest on account of him being invited by the tenants referred to in the report to the re-opening ceremony.

Councillor Southall – Minute No. 30 (v) and (vi) of the Development Control Committee (Planning Applications No. P10/0761 and P10/0766 – Land at Tower Street and the Broadway, Dudley). Personal interest on account of his daughter being employed by Dudley College.

Councillor Banks – Minute No. 36(i) of the Development Control Committee (Planning Application No. P05/0556/E1 – Corner of Platts Road and High Street, Amblecote) – Personal interest as he was a member of Brierley Hill Methodist Church and his wife was a member of the Methodist Church Circuit Committee.

Councillor Southall – Minute No. 36(viii) of the Development Control Committee (Planning Application No. P10/0914 - Dudley College, Castle View Campus and the Broadway, Dudley). Personal interest on account of his daughter being employed by Dudley College.

Councillor Southall – Minute No. 36(ii) of Development Control Committee (Planning Application No. P10/0914 - Dudley College, Castle View Campus and the Broadway, Dudley). Personal interest on account of his daughter being employed by Dudley College.

Councillor Wright – Minute No. 36 (xiv) of Development Control Committee (Planning Application P10/1092 – Land corner of 4 Perrott Gardens, Brierley Hill) Personal and prejudicial interest on account of him being a personal friend and had undertaken work for the applicant.

Councillor Ahmed – Minute No. 43 of Taxis Committee – Personal and prejudicial interest on account of him personally knowing the driver.

Councillor Ahmed – Minute No. 44 of Taxis Committee – Personal and prejudicial interest on account of him personally knowing the driver.

Councillor Mrs Ameson – Minute No. 39 of Taxis Committee – Personal and prejudicial interest on account of her having reported the driver to the Licensing Enforcement Office.

Councillor Mrs Ameson – Minute No. 44 of the Taxis Committee – Personal and prejudicial interest on account of her personally knowing the driver.

Councillor Mrs Rogers – Minute No. 22(ii) of the Tree Preservation Orders Committee (P10/0861 – 9 and 11 Ingatestone Drive, Kingswinford) – Personal interest as the independent report, attached to the Committee report, had been written by her son.

Councillor Ali – Minute No. 35 of the Cabinet – Personal interest on account of him being a worshipper at Dudley Central Mosque.

Councillor Ms Partridge – Minute No. 30 of the Cabinet – Personal interest on account of her being a user of the Cradley and Wollescote Community Centre and a member of the Management Committee of the Wollescote Community Centre.

Councillor Mrs Ridney – Minute No. 30 of the Cabinet – Personal interest on account of her being a Member of the Management Committee of the Rainbow Community Centre.

Councillor Mrs Faulkner - All references on the agenda papers to matters relating to the Dudley Group of Hospitals – Personal interest on account of her being an appointed Governor for Dudley Group of Hospital Foundation Trust.

Councillors Mrs Aston, A Finch and K Finch – Agenda Item 6(a) (Capital Programme Monitoring) – Personal interests as attendees at Friends of the Priory Park meetings.

Councillor Mrs Aston - Agenda Item 7(b) (Annual Report of the Select Committee on Health and Adult Social Care) – Personal interest as son was employed as a paramedic for the West Midlands Ambulance Trust.

Councillor Burston – Minute Nos. 106 and 25 of Halesowen Area Committee – Personal interest on account of him being employed by CENTRO.

Councillor Burston – Minute No 31 of North Dudley Area Committee – Personal interest on account of him being employed by CENTRO.

Councillor Burston – Minute No 17(iii) of the Tree Preservation Orders Committee – Personal and prejudicial interest on account of him being a resident of Newbold Court, a shareholder of the Newbold Court Management Company and the tree concerned being within close proximity to his personal dwelling.

Councillor Southall – Agenda Item 6 (Capital Programme Monitoring) – Personal interest on account of him being a Member of the Birmingham County Football Association.

Councillors Body, Crumpton and Ms Partridge – All references to the Wollescote Community Association. Personal and Prejudicial interests on account of their being Trustees of the Community Association.

Councillor Islam – Minute No. 35 of the Cabinet (Proposed Dudley Mosque and Community Training and Enterprise Centre) – Personal and prejudicial interest on account of him being a worshipper at the Dudley Central Mosque and as a dormant member of the Dudley Muslim Association.

Councillor Body – Agenda Item No. 6(a) (Capital Programme Monitoring relating to Section 106 monies for Huntingtree Park) – Personal interest on account of him being the Chair of Homer Hill Park.

Councillor Vickers – Agenda Item 6(a) (Capital Programme Monitoring reference to Children's Centres) – Personal interest on account of him being a Governor of Tenterfields Children's Centre.

Councillor Vickers – Agenda Item 6(a) (Capital Programme Monitoring reference to Flood Mitigation Works) – Personal interest on account of him being the Black Country Member on the Severn Trent Flood Forum.

35 MINUTES

RESOLVED

That the Minutes of the meeting of the Council held on 19th July, 2010 be approved as a correct record and signed.

36 MAYOR'S ANNOUNCEMENTS

(a) The Retreat Café, Priory Estate, Dudley

The Mayor reported that the Retreat Café on the Priory Estate had been awarded a Platinum Award by Dudley Food for Health. Following remarks from Councillor Mrs Faulkner, the Mayor presented the award to the representatives of Lunch on the Run and the Retreat Café and the Council congratulated them on this outstanding achievement.

(b) Luke Perry – Cultural Champions Award

The Mayor reported that Luke Perry had recently been nominated for a "Cultural Champions" award. Mr. Perry had also been part of the team of presenters on the television production of 'Titanic: The Mission'. Following remarks from Councillor Stanley, the Mayor presented the award and the Council congratulated Luke Perry on his outstanding achievements.

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

The Mayor referred to the 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 the Team and the Council expressed its congratulations on this achievement.

(d) Gold Award – Stourbridge in Bloom

The Mayor reported that Stourbridge in Bloom had recently received a Gold Award. Following remarks by Councillor Knowles, the Mayor presented the award to David Harcourt and the Council expressed its congratulations on this achievement.

(e) Charity Cricket Match

The Mayor reported that a charity cricket match had been held on Friday, 30th July, 2010 at Stourbridge Cricket Club, which had raised £1,000 towards the Mayor's Charity. The Mayor thanked Councillor Hanif, Stourbridge Cricket Club and all the Members, Officers and others who contributed to making the event a success. The Mayor presented the trophy to the Chief Executive as the Captain of the winning team.

(f) Local Democracy Week

The Mayor reported that this was National Local Democracy Week and on behalf of the Council, he welcomed a group of young people from Bishop Milner School, who observed the meeting from the public gallery.

(g) Bill Baker and Linda Sanders

Following Bill Baker's retirement and Linda Sanders leaving the Authority to take up a new post, the Mayor expressed his appreciation, on behalf of the Council, for the outstanding service given by both officers and wished them the very best for the future.

(h) Remembrance Day Parade

The Mayor announced that the Remembrance Day parade and service would take place in Dudley on Sunday, 14th November, 2010.

37 PETITIONS

Pursuant to the Council's Petition Scheme, a Petition for Debate containing in excess of 3,000 signatories was received and considered. The Petition related to the What? Centre, Stourbridge in the following terms:

"The local authority has cut our funding for advice work. This means almost certain closure of the What? Centre. We, the undersigned, are young people and partners of the What? Centre who urge our council leaders to re-think their decision to cut 100% of the funding they provide to this service."

The Petition Organiser, Ms. J Duffy, attended the meeting and addressed the Council.

The following motion was moved by Councillor Mrs Walker and seconded by Councillor Mrs Millward:

"That the Petition be noted and the decision on the funding of the What? Centre be endorsed."

The following amendment was moved by Councillor Crumpton and seconded by Councillor Lowe:

- “(1) That the £46,000 funding for the What? Centre is reinstated for the rest of this financial year.
- (2) That the Select Committee on Children’s Services convene a special meeting to fully review the services that the What? Centre provide and that this information is used to inform the 2011/12 budget.”

Following a debate, the amendment was put and lost.

The original motion was thereupon put and it was

RESOLVED

That the Petition be noted and the decision on the funding of the What? Centre be endorsed.

Pursuant to a requisition made under Council Procedure Rule 16.4, the voting on the above resolution was recorded as follows:

For (40)

Councillors, Adams, Mrs Ameson, Attwood, Banks, Barlow, D Blood, Mrs E Blood, Burston, Caunt, Mrs Cowell, J D Davies, Mrs Dunn, Mrs Faulkner, Mrs Greenaway, P Harley, Mrs D Harley, Hill, James, J Jones, L Jones, Kettle, Knowles, Mrs P Martin, Mrs Millward, Nicholls, Mrs Rogers, Ryder, Mrs Shakespeare, Simms, Southall, Stanley, Taylor, A Turner, Vickers, Mrs Walker, Mrs Westwood, C Wilson, J Woodall, P Woodall and Wright.

Against (26)

Councillors, Ahmed, Ali, Mrs Aston, Body, Cotterill, Crumpton, G H Davies, J R Davies, M Davis, A Finch, K Finch, Foster, Hanif, Ms Harris, Islam, Mrs Jordan, Lowe, J Martin, Mottram, Ms Partridge, Mrs Ridley, Sparks, Tyler, Waltho, Ms Wood and Ms While-Cooper.

Abstained (1)

Councillor K Turner

38 CAPITAL PROGRAMME MONITORING

A report of the Cabinet was submitted.

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

RESOLVED

- (1) That the Transformation of Adult Social Care projects be approved and included in the Capital Programme, as set out in paragraph 3 of the report now submitted.
- (2) That expenditure on Highways projects funded from Section 106 funding be included in the Capital Programme, as set out in paragraph 4 of the report now submitted.
- (3) That in respect of the development and restoration of the Priory Ruins and Park, the Director of the Urban Environment be authorised to accept grant funding from the Heritage Lottery Fund; the Director of Corporate Resources be authorised to sign the necessary funding agreements with the Heritage Lottery Fund; subject to funding being confirmed, the capital element of the scheme be included in the Capital Programme; and the 10 year management and maintenance plan for the Park be approved, as set out in paragraph 5 of the report now submitted.
- (4) That the expenditure on Leisure Centre Energy Reduction equipment be approved and included in the Capital Programme, as set out in paragraph 6 of the report now submitted.
- (5) That the reduction in Government capital grant funding for Children's Services be noted, and the Capital Programme amended accordingly, as set out in paragraph 7 of the report now submitted.
- (6) That in respect of new Special Education Needs provision, the cost incurred by schools - £50,000 at The Brook and £30,000 at Hob Green - be reimbursed from the available funding and included in the Capital Programme, and that the expenditure of £50,000 for each school at Gigmill and High Arcal be approved and included in the Capital Programme, as set out in paragraph 8 of the report now submitted.
- (7) That the capital costs involved in the repurchase of the land at Hall Street, Dudley be approved, as referred to in paragraph 9 of the report now submitted.
- (8) That the urgent amendments to the Capital Programme, as set out in paragraphs 10 to 14 of the report now submitted, be noted.

39 SPENDING PROJECTIONS 2010/11

A report of the Cabinet was submitted.

It was moved by Councillor D Blood, seconded by Councillor L Jones and

RESOLVED

- (1) That the forecast variations to budgets, as set out in paragraphs 4 to 7 of the report now submitted, be noted.
- (2) That the amendments to budgets, to reflect the variations set out in paragraphs 4 to 7 of the report now submitted, be approved.
- (3) That the earmarking of reserves to meet the potential overspend in the Directorate of Children's Services, as set out in paragraph 8 of the report now submitted, be approved if required.
- (4) That the need to exercise stringent budgetary control for the remainder of the current financial year in accordance with the Council's Approved Financial Management Regime be reiterated to all Cabinet Members, the Chief Executive, Directors and budget holders.
- (5) That the effects on the Council's Medium Term Financial Strategy be noted.
- (6) That action be taken to replenish General Balances when the opportunity arises.

40 FOOD SERVICE PLAN 2010/11

A report of the Cabinet was submitted.

It was moved by Councillor Stanley, seconded by Councillor L Jones and

RESOLVED

That the Food Service Plan 2010/11 be approved.

41 ANNUAL REPORT OF THE SELECT COMMITTEE ON THE ENVIRONMENT

The annual report of the Select Committee was submitted.

It was moved by Councillor Mrs Cowell, duly seconded and

RESOLVED

That the annual report be received and noted.

42 ANNUAL REPORT OF THE SELECT COMMITTEE ON HEALTH AND ADULT SOCIAL CARE

The annual report of the Select Committee was submitted.

It was moved by Councillor Mrs Ridley, duly seconded and

RESOLVED

That the annual report be received and noted.

43 TREASURY MANAGEMENT

A report of the Audit Committee was submitted.

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

RESOLVED

That the report be received and noted.

44 QUESTIONS UNDER COUNCIL PROCEDURE RULE 11

(Having declared a personal and prejudicial interest in Minute No. 35 of the Cabinet in relation to the proposed Dudley Mosque and Community Training and Enterprise Centre, Councillor Islam withdrew from the meeting during any questions and debate on this item).

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 8.55 p.m.

MAYOR