

**Action Notes of the Kingswinford North and Wall Heath, Kingswinford South and Wordsley Community Forum**

**Tuesday 3<sup>rd</sup> February, 2015 at 6.30pm**  
**at St Mary's Church Hall, The Village, Kingswinford**

**Present:**

Councillor Miller – Chair  
Councillor Billingham – Vice Chair

Councillors D Blood, P Brothwood, P Harley, D Hemingsley, N Neale, and D Tyler

**Officers:**

J Butler (Lead Officer) Directorate of the Environment, Economy and Housing  
L Jury (Democratic Services Officer)

Together with 6 members of the public

---

23     **Welcome and Introductions**

The Chair welcomed those present and Members and Officers introduced themselves.

---

24     **Apology for Absence**

Councillor G Simms.

---

25     **Listening to you: Questions and Comments from Local Residents**

**Subject**

**Action**

A resident commented on the delay in transferring New Bradley Hall (NBH) from local authority care to the Black Country Housing Group and requested clarification as to when the transfer would take place. A letter that had been sent in error to residents and carers at the home was also presented.

It was noted that completion was expected within the next few weeks. With regards to the letters sent in error, it was noted that members would investigate the situation and ensure that a written apology would be sent to all concerned immediately.

Referring to NBH, members requested that an update on the situation be sent to members for information.

Appreciation of the Christmas lights displayed in the three wards last year was noted.

A resident requested an update on the situation with regards to the quarry in Wall Heath.

A resident requested information on any proposed celebrations for Black Country Day to be held in Wall Heath.

A resident and members reported on the poor condition of the carriageway surface at Bells Lane and members requested an up-to-date programme of proposed highway resurfacing.

Councillor Tyler stated that he would request that an update be sent to Members.

In response, members requested that an application from the Directorate of Environment, Economy and Housing for funding towards lights/trees for this Christmas be submitted to the July meeting for early consideration.

An update was given at the meeting and it was noted that the closure of the quarry by the end of April this year was on course.

Councillor Harley advised that a cross-party Action Group had been formed to give support and advice with regards to proposed activities. With regards to Wall Heath, it was noted that a Party in the Park was planned to take place in July which was being organised by the licensee of the Horse and Jockey Public House.

Fifteen events were planned to take place over the two weekends and any community groups interested in joining in the celebrations were requested to contact organisers.

Lead Officer to request the Chief Officer Environmental Services to send Members of the Forum the future highway maintenance programme.

A resident requested an update on the proposed plans to develop a convenience store on the Ashwood public house car park and the disused derelict shops at Sandringham Road.

Councillor Hemingsley reported that he had met with the proposed developers and confirmed that due to the economic climate, there were no plans to build a convenience store and members confirmed that they were not aware of any formal plans having been submitted. Councillor Brothwood also commented on a meeting to be held with residents within the next six weeks.

With regards to the shops at Sandringham Road, no resolution as yet was noted.

A resident requested an update on the residential home development in Pensnett that had been suspended.

Councillor Harley reported that he had meet with the developer and viewed the plans for a home which would cater for dementia patients. Issues with regards to a legal dispute were currently being resolved and progress should be seen shortly.

A resident again raised concern regarding traffic congestion on the A491.

Concern noted.

A resident requested an update on the proposed Wordsley festival.

Councillor Hemingsley reported that a meeting of the Friends of Wordsley Park was scheduled so an update with regards to the festival would be given at the next Forum meeting.

Subject

Action

Councillor Brothwood reported that he had personally removed 100 plus black refuse sacks from Marshall Crescent, Wordsley Hospital site due to local residents' concerns. The situation had arisen as parking problems had restricted access of refuse vehicles.

Lead Officer to contact Chief Officer Environmental Services and suggest that smaller vehicles be used to collect waste to prevent this situation arising in the future.

---

27      **Community Forum Funding**

**Application**

**Recommendation**

1<sup>st</sup> Wordsley Boys Brigade.

Approve, plus an additional £174.03, totalling £2,000 on condition that the applicant submits details confirming the proposed expenditure of the additional money in line with Council guidelines to the Lead Officer.

Kingswinford Community Association.

Approve, £1362 for the provision of CCTV cameras.

---

28      **Dates, Time and Venues of Future Meetings**

Future meeting dates noted as follows:-

Tuesday 24<sup>th</sup> March, 2015 – St Mary's Church Hall, The Village, Kingswinford, DY6 8AY.

The meeting ended at 8.00pm

## **Action Notes of the Brierley Hill and Brockmoor & Pensnett Community Forum**

**Wednesday 4th February, 2015 at 6.30pm**  
**at Insight for Carers, Insight House, Pearson Street, Brierley Hill**

### **Present:**

Councillor K Jordan (Chair)  
Councillor Z Islam (Vice Chair)  
Councillors J Foster, R Harris and J Martin.

### **Officers:**

I Curnow (Lead Officer) (Divisional Lead – Commissioning and Procurement) and  
K Buckle (Democratic Services Officer)

Together with five members of the public

## 22 **Welcome and Introductions**

The Chair welcomed those present and Members introduced themselves.

Councillor R Harris referred to the illness of Councillor M Wilson and her hospitalisation. The Chair requested that a letter wishing Councillor M Wilson a speedy recovery be written on behalf of Members of the Forum.

---

## 23 **Apology for Absence**

Councillor M Wilson

---

## 24. **Winter Warmth**

Ms J Pritchard, representative from Public Health, gave a verbal presentation on the winter warmth services, circulating leaflets providing a guide to keeping warm and well at home during the winter months. It was noted that help could be provided with obtaining loft insulation and cavity wall insulation and there were schemes that would assist with bills and provide assistance with price checking in order to secure more affordable utility providers. It was stated that those who were struggling to keep warm would be provided with portable heaters, blankets and hot water bottles.

Details in relation to the promotion of the winter warmth services were provided and in responding to the Vice-Chair's questions regarding the provision of thermometers Ms Pritchard advised that these were available in public libraries and via public health professionals.

Ms Pritchard agreed to provide Members with thermometers in order that they could distribute them to their constituents and to provide details of those community groups who had received the winter warmth presentation.

Ms Pritchard agreed to investigate methods of distributing winter warmth leaflets together with thermometers and requested those present to advise her of any community associations that required details of the service.

A member of the public suggested that the winter warmth presentation could be given at Tenants and Residents Association meetings and it was also suggested that the service could be promoted on vacant stalls at Brierley Hill market.

The Vice-Chair suggested that a press release be organised from the Brierley Hill and Brockmoor & Pensnett Community Forum promoting the winter warmth service.

Ms Pritchard agreed to distribute winter warmth leaflets to Members via their pigeon holds and Members thanked Ms Pritchard for the presentation.

---

25. **Listening to you: Questions and Comments from Local Residents**

<u>Subject</u>	<u>Action</u>
A query was raised in relation to the lack of advertising of the Community Forum, as although articles advertising the other Forums had appeared no such advert appeared in either the Dudley or Stourbridge news for the Brierley Hill and Brockmoor & Pensnett Community Forum.	Referred for a written response.
Concerns in relation to potholes on the island adjacent to Swan and Queen Street, Pensnett and another outside the bus stop adjacent to St Mark's School, Pensnett.	Referred for a written response.

---

26. **Working With you: Topics raised by Local Councillors**

Councillor R Harris referred to the celebrations in relation to the 50<sup>th</sup> Anniversary of the Chapel Street estate, Brierley Hill advising that it was hoped that a working party could be formed comprising of the Chapel Street Tenants and Residents Association and the Church in order to

celebrate the anniversary. It was also hoped to provide an exhibition comprising of photographs in order to display the memories of those past and present residents. The residents of Chapel Street were to host a day of celebration. Councillor Harris referred to the demand for accommodation in Chapel Street and the fact that Chapel Street was an extremely popular residential area. Those present from Insight for Carers advised that the venue at Insight House, would be made available to organise and host events in relation to the celebration.

The Vice-Chair expressed his support for the event advising of the importance of people feeling part of a community and suggested that local papers, libraries and the Archive building in Dudley should be accessed in order to obtain memorabilia. Councillor Foster suggested also using the Black Country Bugle for historical purposes.

---

27. **Community Forum – Love Your Local Community Funding**

The Lead Officer reported on the successful Applications granted at the previous meeting to the Pensnett Tenants and Residents Association, the Dudley MBC Environmental Management Division, St James Methodist Church, the Dudley Duke of Edinburgh Award Association and Nine Locks Community Association.

Recommendations made in respect of an Application received and discussed following the meeting was as follows:-

<u>Application</u>	<u>Recommendation</u>
St Marks Church Pensnett	That the Application be deferred until the first meeting of the next municipal year.

---

28. **Date, Time and Venue of next Meeting.**

The Future meeting was noted as follows:-

Tuesday 24<sup>th</sup> March, 2015 (Fens Pool Community Centre)

The meeting ended at 7.40pm

## **Minutes of the Children's Services Scrutiny Committee**

**Wednesday, 21<sup>st</sup> January, 2015 at 6 p.m.**  
**In Committee Room 2, The Council House, Dudley**

### **Present:**

Councillor I Cooper (Vice-Chair) in the Chair.  
Councillors M Attwood, N Barlow, C Billingham, P Bradley, L Jones, I Marrey, J Martin, R Scott – Dow and E Taylor; Reverend Wickens and Mr Qadus.

### **Invitees:**

Mr M Lynch, Mr L Ridney and Ms J Sinden.

### **Officers:**

R Sims (Assistant Director of Housing Strategy & Private Sector - Directorate of Adult, Community and Housing Services) – Interim Lead Officer, P Sharratt (Interim Director of Children's Services), I McGuff (Assistant Director Quality and Partnership); A Callear (Divisional Lead – Family Support);  
– all Directorate of Children's Services and L Jury (Democratic Services Officer) (Directorate of Resources and Transformation).

### **Also in attendance**

Councillor T Crumpton – Cabinet Member for Children's Services and Lifelong Learning.

---

#### 23 **Apologies for absence**

Apologies for absence from the meeting were received on behalf of Councillors Z Islam and C Perks.

---

#### 24 **Substitution**

It was reported that Councillor J Martin was serving in place of Councillor Z Islam and Councillor E Taylor was serving in place of Councillor C Perks, for this meeting of the Committee only.

---

#### 25 **Declarations of Interest**

In accordance with the Members' Code of Conduct, the following interests were declared:-

Declaration of non-pecuniary interest in agenda item number 7 – To answer  
CSSC/27



questions submitted under Council Procedure Rule 11.8 - was made by the following Member for the reason indicated below:

Councillor I Marrey – The parent of a child who was in receipt of Direct payments.

Councillor I Marrey – Parent/Governor of Pens meadow Primary School.

---

26      **Minutes**

Resolved

That subject to the deletion of the words “ Conservative Group” from minute number 18, paragraph 7, page CSSC/20 and the insertion of the words “Conservative Party”, the minutes of the meeting of the Committee held on 19<sup>th</sup> November, 2014 be approved as a correct record and signed.

---

27      **Children’s Centres**

The Committee considered a report on the progress of the Children’s Centre remodelling.

In presenting the report submitted, the Interim Director Children’s Services highlighted the restructuring that had taken place since the consultation undertaken in 2013 and the impact of the remodelling on service delivery.

It was noted that twenty Children’s Centres had remained opened but were now based in 5 clusters ensuring the continuation of children’s centre services across the borough.

The main focus of services was to provide early interventions to families most in need, in partnership with both statutory and voluntary agencies, to prevent families requiring costly social care intervention in the future.

It was noted that Dudley had received 20 OFSTED inspections to date, all with pleasing outcomes. Referring to the two centres that required improvements, it was noted that the improvement was required on the childcare aspect and not on the centre itself.

Early indications from the remodelling exercise indicated that the numbers of families accessing children’s centres had been maintained and the changed arrangements had already enabled the Local Authority to deliver a more consistent service across the Borough.

Restructuring had been completed on budget and with savings made and noting that no more savings were required to date.

Arising from the presentation of the report submitted, Members asked questions and Officers responded as follows:-

Referring to a recent press report in which it was stated that the Government were increasing the budget for troubled families, it was questioned how the Council would deploy the money. In reply, it was reported that all authorities had received money for troubled families in the 1<sup>st</sup> phase and funding would continue until 2020 which would enable authorities to reach more families. It was noted that Dudley was an early adopter for Phase 2 and had received an additional £58,000 to progress the programme.

Referring to paragraph 17 of the report in relation to the commissioning of health visiting services for 0-5 year olds transferring to the Local Authorities, it was questioned whether any other agencies had been offered the opportunities to deliver their services out of the children's centres. In reply, it was advised that the transfer would take place in October 2015 and talks were currently being undertaken with Public Health to discuss how the service would look in the future. The aim was to reduce the duplication of some services and ensure that the resources available had maximum impact for children and families in need of assistance. Some services delivered by health workers and midwifery were already utilising children centre bases.

Reference was made to an evidence based programme entitled 'Get Cooking' which was being rolled out of Children's Centres in conjunction with Public Health, looking to reduce childhood obesity by encouraging healthy eating within families. Children's Services and Public Health were also currently providing further PPP training to professionals across the Borough to increase the number of practitioners available to assess early behaviour difficulties.

It was noted that strong links were also being developed between Children's Centres and Adult and Family Learning to provide adult learning courses for parents. Other partnerships included the Citizens Advice Bureau and Job Centre Plus who provided services targeted to meet identified needs of families. The recruitment of volunteers was of significant importance to the work of the Children's Centres and the strongly committed thriving volunteer network was acknowledged and it was noted that work was being undertaken to develop the skills of volunteers and some parents to provide additional support to families.

The provision of pre-school special needs support at Children's Centres was acknowledged and it was reported that this was an area that was under review.

In responding to questions relating to paragraph 19 regarding the timeframe to improve the Children's Centres judged by OFSTED to be requiring improvement and the consequences if improvements were not met, and referring to paragraph 25 relating to how the centres were meeting the needs of the black and minority ethnic (BME) community and the uptake of services by different communities, the Interim Director of Children's Services agreed to provide a written response directly to the member who had raised the questions.

In responding to a concern raised in relation to a previous decision to close primary schools in the Borough due to excess places being available at some schools in the light of the number of under 5s now increasing in the Borough year on year, the Interim Director of Children's Services agreed to send a detailed written response to the member who had raised the concern relating to the projections to be used for future school place planning and those that were used back in 2006 that resulted in the closure of some of the Borough's primary schools.

Responding to a question relating to the availability of the OFSTED reports referred to in this report, it was confirmed that they could be accessed via the Dudley website.

In response to a concern raised regarding the issue of falling numbers in secondary rolls in relation to the inevitable impact that the raising numbers of under 5's will have in the near future and the strategic support that was being given to secondary schools during this time, the Interim Director of Children's Services acknowledged the difficult strategic and financial challenges currently facing some secondary schools, especially those schools where rolls had fallen below 50%, and advised that schools were being encouraged to work closely together whilst the number of future school places required was being assessed.

Referring to the OFSTED inspections that had taken places at the Borough's Children's Centres, it was questioned whether the inspections had taken places before or after restructuring. In reply, it was advised that most inspections had been carried out in 2013/14 with at least two centres being inspected under the previous framework.

Referring to the restructuring that had taken place at the Children's Centres and the inevitable reduction in services now available, The Cabinet Member for Children's Services and Lifelong Learning questioned where the main focus of activities now rested. In reply, it was advised that the main focus was to work with vulnerable families either through volunteer groups or providing support in their homes. The restructuring had been challenging but the aim now was to offer a consistent approach across all 5 clusters, with 'good' or 'outstanding' children's centres throughout the borough providing families with good or outstanding services in whichever cluster they were in.

Resolved

- (1) That the information contained in the report submitted on the progress of the Children's Centre remodelling, be noted.
- (2) That the Interim Director of Children's Services send a written response to Mr Qadus addressing his questions raised in relation to children's centres meeting the needs of the BME community and the uptake of these services by different communities.
- (3) That the Interim Director of Children's Services send a written response to Councillor Jones regarding school place planning.

### **Early Help and Support**

The Committee considered a report of the Interim Director of Children's Services on Early Help and Support.

In presenting the report submitted, the Interim Director of Children's Services made reference to the early help and support available to children aged 0-18 years. Reference was made to the budget pressures upon the service, especially in relation to looked after children and the need to redress the balance and the aim of the service, working together and with partners, to provide vulnerable families with consistent responses to identified problems. To offer whole families early interventions and support to prevent problems escalating and thus mitigate the possibility of families having to engage in high cost public services.

An outline of the services available at Children's Centres was presented, including, early years, early education, early help assessment support and early intervention social workers. The OFSTED inspections of arrangements for services for children in need of help and protection was highlighted and it was advised that no inspection had taken place since 2011, therefore it was predicted that an inspection was imminent.

In conclusion, it was noted that from the 15,000 contacts received by children's social care in 2013/14, only 3,500 were judged to require social care assessments. The remainder of contacts required sign posting to other services to provide early help and therefore relieve pressure on the more targeted, specialist services.

Following the introduction of the report submitted, Members asked questions and Officers responded as follows:

Reference was made to previous proposals to increase budget spending to support more programmes relating to early interventions therefore reducing pressure on other services but present budgets were still showing escalating costs. A discussion ensued in which the Cabinet Member for Children's Services and Lifelong Learning advised of the difficulties relating to starting each financial year with a budget deficit and the challenges that this created. The increase in looked after children in the Borough, which had contributed towards the overspend, and the complexity of families now requiring a higher level of service provision was also discussed. It was acknowledged that the current economic climate was having devastating effects on some families resulting in more children coming into care.

A member made reference to a report that had been submitted at a recent Police and Crime Panel meeting relating to a Section 175 safeguarding audit that had been undertaken and concern was raised at the low level of returns submitted from this Borough in comparison to neighbouring authorities.

Responding to concerns in relation to this matter, the Interim Director of Children's Services advised that this was an audit that schools were required to undertake and a new tool was to be re-launched to assist schools and the service was working with schools to improve the rate of returns.

Referring to paragraph 10 of the report relating to the direct one-to-one family support provided to families either within their own homes or in Children's Centres by identified lead officers for Family Support and Parenting, it was questioned whether these roles were covered by existing staff or newly appointed officers. In reply, it was advised that the one-to-one family support was offered by existing officers.

Responding to a question raised relating to paragraphs 17 to 20 of the report submitted, regarding the provision of early education for two year olds, it was acknowledged that the take up rate of eligible places was not as high as in Dudley's statistical neighbouring authorities. Initiatives had been launched in August last year including a banner advert on Dudley's website advertising the Time for Two initiative, leaflets had been distributed to eligible parents, birthday cards had been sent to eligible children and Children's Centre staff

had worked with many families to try to engage them to take up the service provided. Other work undertaken had seen the change from a paper-based application form to an electronic application form which parents could complete to find out if they were eligible for the funded educational entitlement. However, it had to be recognised that some families simply did not want their two year olds to attend a nursery setting for whatever reason.

The challenges faced by the independent sector who provided early education was acknowledged as they strived to balance the provision of education offered to fee paying parents as well as those parents eligible for funded places to enable them to run viable businesses.

Local authorities had a duty to secure early education for eligible two year olds and as far as possible early learning for two year olds was delivered only by providers who had been judged by OFSTED as either 'good' or 'outstanding'. The five Children's Centres currently provided childcare however, to provide childcare for the under 2's would have a significant impact.

In response to a question relating to the number of Early Intervention Social Workers (EISW) as referred to in paragraph 28 of the report submitted, it was advised that there were five EISWs, one for each township with some positions currently vacant.

Referring to paragraph 21 of the report submitted regarding multi-cultural support services, the impact that newly arrived families from minority cultural groups was questioned. In response, it was advised that the service worked with all newly arrived families and once a school placement was identified, support was given to the child to help settle them into their new environment. Support was also given to teaching staff to ensure that students had access to the curriculum and improve their attainment. However, the increase in the number of families from Eastern European countries was proving challenging to some schools. Although there were not significantly high numbers of children within schools, problems could arise when schools were not familiar with a child's specific cultures and backgrounds, however this was now being developed.

In response to a question relating to early help intervention offered in Dudley in comparison to our neighbouring authorities, the Interim Director of Children's Services advised that all authorities had troubled families and were facing similar challenges. Most of the children's centres in Dudley were developing the service offered to the 0-5 age group to ensure that the resources available had the maximum impact for children and families and it was noted that the Youth Support service was currently under review.

Resolved

That the information contained in the report, submitted on the provision of Early Help and Support to Children, Young People and their families, be noted.

The following questions were submitted as indicated, under Council Procedure Rule, 11.8 and the answers below were given:

**Ms Sinden**

Q – Are the Council aware that children attending the Borough’s specialist nurseries do so for their nursery education (at least 3 terms, sometimes up to 5), not purely for the purposes of assessment as is stated in the travel consultation document? The health assessment mentioned in the consultation is for four weeks, many families can make a temporary arrangement for 4 weeks but not for a year or more.

A – Yes the Council is aware of this. The Council believes that it is the best interests of all children of nursery age to be transported and accompanied by their own parent or carer to specialist provision.

Q – Families who will need specialist nursery provision/Local Authority transport in the future will obviously not know what they are potentially about to lose, and the impact this would have upon them. What measures has the Council taken to canvas the opinions of the parents who have previously benefitted from these services who can testify to the differences that access to specialist provision has made to their children and their lives, to help inform decision-making.

A – The Council is undertaking a public consultation to enable as many individuals and groups as possible to express their views on this matter.

Q – The consultation regarding Local Authority transport talks about ‘many’ parents making use of the mobility components of benefits to help pay for transport. Has the Council made any attempts to gather actual figures of families who are entitled to who are receiving these benefits?

A – The Local Authority does not have access to this personal information.

Q- In the latest edition of the Halesowen News, Councillor Tim Crumpton was quoted as saying “ .. we are working hard behind the scenes at how we deliver the specialist nursery service across the borough to ensure every child who needs it has access to it”. And “ .we do not intend to remove a service from people who have become accustomed to receiving it.” And “if the plans went ahead, there would be children who may need some sort of continued support if required”. Can the Council issue clarification on this matter:

- Does this mean that parents who cannot transport their children in the future (eg. Do not have a car or do not drive, have a car which is used by the working parent for work, have another child in primary education who needs to be taken to school) will be accommodated in some way; if so, how?
- Or does this mean that the Council is intending to move away from the current model of specialist provision to placing these children in their local nursery provision with support?

A – If parents or carers believe that it is impossible to find a way of transporting their child to a specialist nursery provision, Local Authority personnel will work with them to identify an alternative arrangement.

We are considering the provision of a personal budget to meet the costs of transport in exceptional circumstances.

We are not intending to move away from the current model of specialist provision which in some cases does include working with parents to find a place in their local nursery provision with support. The Council does not believe that it is in the best interests of nursery aged children to be travelling long distances without their own parents or carers to geographically distant settings.

Q- Consultations are frequently paper exercises. Many service users of specialist provision (language Units and specialist nursery provision) would welcome the opportunity for a live dialogue/debate on the issue under consideration with parents, professionals and other parties around this?

A- Yes we are doing this.

Q- It is important for the Council to be aware that wherever possible children who have special educational needs are supported in their local mainstream nursery. Over 60 children are supported in this way by SEYS (Specialist Early Years Service). However, some children need a different environment and adapted curriculum with specialist teaching to learn, for a variety of reasons. The 43 children in our specialist nurseries do not learn and flourish in a mainstream setting even when individual support is provided. It is essential for Councillors to at least visit one of these nurseries to being to understand the work they do.

A – Councillors are willing to do this and some have already undertaken such visits.

Q – How many Councillors have visited a specialist nursery provision to see how they function, meet the children and talk to parents and staff?

A – We are working to ascertain this information.

**Councillor Marrey**



Q – How many days per week do children, on average, attend specialist provision?

A – The majority of children attend 4 to 5 days which amounts to between 12.5 and 15 hours per week.

Q – What are the costs to families if they have to pay for private transfer from home to the specialist nursery provision? Can this be broken down to take into account the different types of transport that may be required – eg. With support worker, wheelchair accessible, etc.

A – The costs to families will depend upon the individual circumstances and need. Travelling distance and time is obviously a factor, together with whether or not specialist support workers or equipment are needed to facilitate the journey. The Local Authority does not have access to personal information for individual families.

Q – What percentage of children who may attend specialist nursery provision are in receipt of or are eligible for a mobility component in their benefits?

A – The Local Authority does not have access to this personal information.

Q – How will families who do not have access to their own vehicle be supported to transport their children to a specialist nursery provision?

A – If parents or carers believe that it is impossible to find a way of transporting their child to a specialist nursery provision, Local Authority personnel will work with them to identify an alternative form of transport. We are considering the provision of a personal budget to meet the costs of transport in exceptional circumstances.

Q – What specific measures will be considered to mitigate the effect these proposals will have on families?

A – The provision of a personal budget to meet the costs of transport in exceptional circumstances.

The provision of places at a more local specialist setting that does not entail the need to transport nursery aged children to more distant venues across the Borough.

Information and advice about benefits.

Q - Can the Children's Scrutiny Committee look urgently at the proposals for Transport and the proposed redesign of Specialist Educational Provision for Pupils with Speech, Language and Communication Needs?

A – No definitive answer was given at the meeting and it was agreed that a response would be provided in these minutes.

The response is as follows:

Provision for items for inclusion on agendas for Scrutiny Committees is included in the Scrutiny Committee Procedure Rules in the Council's Constitution which provides that items will be considered in accordance with the annual scrutiny programme and otherwise in accordance with their approved terms of reference. Consideration of items additional to those in the annual scrutiny programme require the approval of the Overview and Scrutiny Management Board. Any member of a Scrutiny Committee shall be entitled to give notice to the Strategic Director (Resources and Transformation) that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request, the Strategic Director (Resources and Transformation) will ensure that it is included on the next available agenda. In addition, should an executive decision be made, the provisions in the Constitution regarding call-in apply.

### **Mr Lynch**

Q – What steps have been or are being taken to seek to establish the proportion of parents and carers who will be able to get their children to specialist nursery provision if funding for transport is withdrawn.

A – This information will be gathered as part of the dialogue which takes place with parents in establishing the most appropriate placement for each child to attend. Until we are clear about every placement, it is not possible to be clear about the proportion of families who may need assistance.

The meeting ended at 7.20pm.

CHAIR

## **Minutes of the Health Scrutiny Committee**

**Thursday 22<sup>nd</sup> January, 2014 at 6.00 p.m.**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:-**

Councillor C Hale (Chair)  
Councillor N Barlow (Vice-Chair)  
Councillors M Hanif, D Hemingsley, S Henley, K Jordan, P Miller, K Shakespeare,  
E Taylor and D Tyler

### **Officers**

M Farooq ((Assistant Director – Law and Governance (Lead Officer to the Committee), K Jackson (Interim Director of Public Health) and M Johal (Democratic Services Officer – Directorate of Resources and Transformation).

### **Also in Attendance**

Ms Paula Clark – Chief Executive, Dudley Group NHS Foundation Trust  
Ms Liz Abbis – Dudley Group NHS Foundation Trust  
Dr David Hegarty – Dudley Clinical Commissioning Group  
Ms Laura Broster – Dudley Clinical Commissioning Group  
Mr Jason Evans – Dudley Clinical Commissioning Group  
Mr Neill Bucktin – Dudley Clinical Commissioning Group

---

#### **33      Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors C Elcock, M Roberts and K Turner and P Bradbury.

---

#### **34      Appointment of Substitute Members**

It was reported that Councillors P Miller and D Tyler had been appointed to serve in place of Councillors C Elcock and M Roberts for the meeting of this Committee only.

---

#### **35      Declarations of Interest**

In accordance with the Members' Code of Conduct, a non-pecuniary interest was declared by Councillor E Taylor in respect of any reference made to Russells Hall Hospital in view of the fact that her daughter works at the hospital as a staff nurse.

---

---

36      **Minutes**

**Resolved**

That the minutes of the meeting of the Health Scrutiny Committee held on 20<sup>th</sup> November, 2014 be approved as a correct record.

---

37      **Public Forum**

No issues were raised under this agenda item.

---

38      **Care Quality Commission Inspection Outcomes**

A report of the Chief Executive, Dudley Group NHS Foundation Trust, was submitted on the outcomes of the Care Quality Commission hospital inspection of the Dudley Group NHS Foundation Trust, and on the plans the Trust had in place to address the report.

Arising from the presentation of the report the following queries and comments were made by Members and responses were given as indicated:-

- With regard to ophthalmology clinic provision a Member stated that service pressures and problems had been known for a number of years and it was queried why it had taken so long to address the issues. Reference was also made to skilled employees being recruited from abroad and it was queried why problems were being experienced in recruiting medical staff that had been trained in the United Kingdom (UK).

Problems relating to staff shortages was a national issue and there were additional pressures because of increased demand due to the aging population. In relation to problems in recruiting skilled people in the UK this was due to national training being reduced. However, issues were being addressed and it was reported that the Trust were currently in discussions with Wolverhampton University with a view to compiling a course and training specifically for medical staff at a reduced cost to encourage more students to join. It was also reported that an ophthalmology consultant had recently been recruited and was due to commence employment in March 2015.

In response to further questions relating to demand it was reported that there was an increase in the number of elderly patients seen at the ophthalmology clinic particularly with conditions relating to glaucoma and cataracts.

- In response to a query about Ambulatory Emergency Care (AEC) it was explained that this scheme gave some patients a faster and better service as the less sick patients were targeted with a view to being diagnosed, stabilised and treated quickly so that they could go home which also eased the pressure on beds.

- Staff that were recruited from abroad had to undertake tests to ascertain their written and spoken English and dialect sessions were also held. It was reported that the Trust had very high quality nursing staff that had been recruited from abroad and there had been no language barrier problems. Staff turnover was approximately 8% per year and efforts were continuously made to fill vacancies by holding open days.
- With regard to maternity services it was queried how births were restricted and the reason for the restriction.

It was explained that historically there were capacity issues and a plan had been agreed with the Clinical Commissioning Group (CCG) with a view to addressing and managing the problem. Capacity problems at Russells Hall Hospital had arisen because of the high quality maternity service offered at the hospital which meant that patients chose that hospital over other hospitals. There were problems recruiting midwives and a tool used to ascertain the ratio of midwives to patients determined that the ratio should be 1/34 however the hospital were at 1/40 births. Plans were put into place to manage the situation which entailed limiting births at the hospital to 4,900 and this was achieved by allocating those patients living further away to other hospitals.

- In relation to calling on the services of “bank staff” it was explained that the Trust had their own internal “bank” of staff comprising of a mixture of existing and retired employees, and, occasionally where certain shifts could not be filled or specialised training skills were required, external agencies were used. It was further reported that the Trust offered a novice training programme to people with little or no experience as the Trust supported a “grow your own” approach.
- Reference was made to plans to reduce staff and posts particularly at Russells Hall Hospital and it was queried whether this would impact on the quality of services and whether targets would still be met, given the significant reduction.

It was reported that certain staff and nurses were exempt from the process and redundancy schemes would not apply to them given the problems encountered in recruiting for these posts. However, the Trust were currently overspending and would be £7m in deficit at the end of this financial year and measures had to be put into place to address the issue. It was acknowledged that existing staff were concerned and worried about their positions and it was stated that the Trust were doing everything in their power to ensure that the process was completed as quickly as possible. It was explained that there was a good redeployment system in place and assistance would also be given to staff with a view to them finding alternative employment.

- With regard to an increase in the demand for blood tests it was reported that there were plans to introduce an additional phlebotomy service at the Guest Hospital. It was acknowledged that there was a need to offer other services at the other hospitals as they were underutilised.

## **Resolved**

That the information contained in the report and Appendix to the report submitted on the outcomes of the Care Quality Commission hospital inspection of the Dudley Group NHS Foundation Trust and on the plans the Trust has in place to address the report, be noted.

---

39

## **Winter Pressures**

A joint report of the Head of Commissioning (Dudley Clinical Commissioning Group) and the Chief Executive (Dudley Group NHS Foundation Trust) was submitted on plans that had been put into place to deal with demand in the health and social care system and on performance during the winter period.

Arising from the presentation of the report the following queries and comments were made by Members and responses were given as indicated:-

- The Head of Commissioning undertook to circulate to the Chair the cost associated with the number of excess bed days arising from patients remaining in hospital once they were medically fit for discharge during recent months.
- Reference was made to delays in social workers being allocated to patients.
- It was queried whether information was available on the effectiveness of the flu vaccination, if there were figures available on how many people had received the vaccination and whether information was collated on patients that were admitted to hospitals to ascertain whether they had been vaccinated.

It was reported that there had been an increase in patients through the winter due to a virus which was not flu related and flu vaccinations would not have had an impact. However, it was acknowledged that the uptake of flu vaccinations in Dudley was low and there was the need to promote the service.

The Interim Director of Public Health reported that information was received from General Practitioners (GP's) and from pharmacies on uptakes of flu vaccinations and figures were currently being monitored. Work was also underway with elderly groups and the Local Authority with a view to promoting and increasing uptake.

## **Resolved**

That the information contained in the report and Appendices to the report submitted on plans that had been put into place to deal with demand in the health and social care system and on performance during the winter period, be noted.

---

### **40      NHS Health Check Implementation**

A report of the Interim Director of Public Health was submitted on an overview of the implementation of the national NHS health checks programme in Dudley.

Arising from the presentation of the report and in responding to Members' queries the Interim Director of Public Health explained about services offered by the Council to their staff, such as programmes relating to stopping smoking and good health initiatives. She also reported on methods used to promote services and undertook to provide information on how services were promoted, where they were promoted and figures on successes and uptake.

Arising from further discussions, the Interim Director of Public Health undertook to circulate information and leaflets to Members with a view to promoting services offered. A Member also stated that Community Forums could also be used with a view to making a presentation to promote the service.

## **Resolved**

That the information contained in the report and Appendix to the report submitted on performance and constraints relating to the NHS Health Check Implementation, be noted and action taken to increase uptake, be supported.

---

### **41      The Better Care Fund**

A report of the Chief Executive, Dudley Clinical Commissioning Group was submitted on the Better Care Fund (BCF).

## **Resolved**

- (1) That the revised financial plan for the Better Care Fund be noted.
  - (2) That the proposed arrangements for the Section 75 Agreement and pooled budget be noted.
- 

### **42      Update on Urgent Care Centre Development**

A verbal report was given by the Chief Executive (Chief Executive, Dudley Group NHS Foundation Trust).on progress made towards the opening of the new Urgent Care Centre (UCC) in Dudley.

In presenting the oral report the Chief Executive, Dudley Group NHS Foundation Trust stated that since the previous meeting the Trust had continued to work with the CCG and Malling Health with a view to opening the urgent care centre on an interim plan from April, 2015. The interim plans included operating the centre from the existing phlebotomy and outpatient 3 areas and consideration was being given to rehouse some of the phlebotomy services. Malling Health had been on site since December, 2014 with a view to trialling plans and addressing issues that may arise on implementation.

### **Resolved**

That the information contained in the verbal report on progress made towards the opening of the new Urgent Care Centre in Dudley, be noted.

---

## **43      Responses to Questions**

A report of the Lead Officer to the Committee was submitted on updates and responses arising from the previous meeting.

Arising from the presentation of the report a Member referred to the Dudley Walsall Mental Health Trust and the query relating to the eating disorder service and stated that the number of specialists allocated to this service had been queried but not answered.

In responding the Chair indicated that a report relating to the Trust's accounts was being considered at the next meeting and reference could be made to the issue at that time.

### **Resolved**

That the information contained in the report and Appendix to the report submitted on updates and responses from previous meetings, be noted.

The meeting ended at 8.10 p.m.

CHAIR



## **Minutes of the Urban Environment Scrutiny Committee**

**Thursday 29<sup>th</sup> January, 2015 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:**

Councillor D Tyler (Chair)  
Councillor A Finch (Vice Chair)  
Councillors S Ali, J Cowell, P Harley, I Kettle, P Miller, R Scott-Dow and E Taylor.

### **Officers:**

R Sims (Assistant Director, Adult, Community and Housing Services - Housing Strategy and Private Sector), (Lead Officer to the Committee); M Williams (Chief Officer – Environmental Services), G Dean (Head of Street and Green Care), J Scott (Principal Executive Support Officer) (Directorate of Environment, Economy and Housing) and H Shepherd (Democratic Services Officer) (Directorate of Resources and Transformation).

---

16      **Mrs Michelle Mottram**

The Chair referred to the death of Mrs Michelle Mottram and the Committee stood in silent tribute as a token of respect to her memory.

---

17      **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors W Duckworth, N Gregory and C Hale.

---

18      **Appointment of Substitute Member**

It was noted that Councillor P Harley had been appointed as a substitute member for Councillor N Gregory for this meeting of the Committee only.

---

19      **Declarations of interest**

No member made a declaration of interest in accordance with the Members' Code of Conduct.

---

---

20      **Minutes**

Resolved

That the minutes of the meeting held on 24<sup>th</sup> November, 2014, be approved as a correct record and signed.

---

21      **Public Forum**

No issues were raised under this agenda item.

---

22      **Environmental Management Commercial Services**

A report of the Chief Officer – Environmental Services was submitted on the strategic development of commercial services within the Environmental Management Division.

The Chief Officer – Environmental Services gave a detailed presentation expanding on the report at the meeting, making particular reference to:-

- the reasons as to why it was necessary to develop alternative ways of working and income generating commercial services;
- the requirement to establish a Corporate Income Generating Strategy;
- the 'Five Case Model' used for developing business cases;
- the potential commercial opportunities, barriers and existing assets and skills identified during a brainstorming session with managers from the Environmental Management Division.

Following the presentation, the Chair raised questions in relation to the composition of staff employed for both the proposed 'arms length' companies and the Council and as to whether the Tendering process would still be applicable to an 'arms length' company. The Chief Officer (Environmental Services) stated that it would be more practical and transparent to have two separate groups of staff, one group to be employed by the 'arms length' company and the other group employed to carry out the Council's statutory duties, although not essential.

A Member commented positively on the information presented and stated that the scheme was long overdue and a necessity to ensure services continued in the current economic climate. He suggested that any profit made should remain within the Directorate of Environment, Economy and Housing or alternatively put back in to the commercial services.

In response to a question raised, the Chief Officer (Environmental Services) confirmed that a small profit was currently being made from providing services to Schools through Traded Services, however, it was considered that this was a potential area that could be developed.

Concerns were raised by Members in relation to how the proposed services would be promoted to the general public. Although the basis of the proposal was welcomed, it was considered important that the benefits of the establishment of 'arms length' companies were promoted to residents to achieve a positive response.

The Chief Officer (Environmental Services) agreed with the comments made and considered it important for the services to be well thought out and developed before being put into action to reduce unnecessary risk and to look at developing and expanding the successful services provided by the Council.

A Member agreed that this approach was the way forward, but was concerned that the bureaucracy of the authority would prevent the Council from competing competitively with the private sector.

A view was expressed that it was important for any commercial services to have a separate identity than that of the Council to ensure that users were aware it was not a direct public service that was being provided, but a service supported by the Council.

Further concerns were raised by members in relation to the effects that the establishment of 'arms length' companies would have on the current competitive market; what precautions and risks would there be from further companies being established to compete with the Council; would the waiting time for Council's statutory duties be affected and the potential for internal competition for work.

The Chief Officer (Environmental Services) stated that it was anticipated that the same service standard would be set for both statutory duties and commercial services and that additional income streams could be directed to the Council services that were under pressure.

A member commented that 'arms length' companies would only be successful if the services that they provided were different to those provided by the Council and that looking at other Authorities that had previously used 'arms length' companies had since brought those services back in-house.

Further concerns were raised as to whether 'arms length' companies and sub-contractors would provide the same quality of service and different work ethics that would be expected by the Council.

The Chief Officer (Environmental Services) agreed with all the comments that had been made and would incorporate them into the proposal, but considered it was important for the Council to be innovative and to start by establishing commercial services that were low risk to the Council.

In response to a question raised, the Head of Street and Green Care stated that a brochure was provided to all Local Authority Schools and Academies advertising all traded services available, including services provided by the Directorate of Environment, Economy and Housing and that this was an area that could be expanded further.

A Member raised concerns that no benchmarking information with other Authorities had been provided in the report or presentation and that there was no reference to predicted targets or details in relation to what would happen if an 'arms length' company was to default, particularly as the Council would be requested to subsidise the provision.

The Chair acknowledged the concerns raised and stated that that level of detail would be provided at a later stage in the process.

A Member referred to the successful working relationship between the Council and the New Heritage Regeneration Ltd and suggested if a similar way of working could be established in this instance.

The Chair stated that this was a welcomed report with a view to a potential way forward and requested that a meeting of the Urban Environment Scrutiny Committee Working Group be scheduled to discuss the experiences of 'arms length' companies in other authorities.

Resolved

- (i) That the information contained in the report, be noted.
- (ii) That a Working Group meeting be scheduled, inviting all Members of the Scrutiny Committee to attend, but to be followed up with a virtual process for those that are unable to attend, to consider benchmarking information with other Authorities that provide commercial and 'arms-length' services and to include positive and negative practices.

The meeting ended at 7.25pm.

CHAIR

## **Minutes of the Licensing Sub-Committee 1**

**Tuesday 3<sup>rd</sup> February, 2015 at 10.30 am**  
**in the Council Chamber, The Council House, Dudley**

### **Present:-**

Councillor K Finch (Chair)  
Councillors D Blood and C Perks

### **Officers:-**

R Clark (Legal Advisor), L Rouse (Licensing Clerk) and K Griffiths (Democratic Services Officer) – All Directorate of Resources and Transformation.

---

15      **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor D Russell.

---

16      **Appointment of Substitute Member**

It was noted that Councillor K Finch had been appointed as a substitute member for Councillor D Russell, for this meeting of the Sub-Committee only.

---

17      **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

---

18      **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 9<sup>th</sup> December, 2014, be approved as a correct record and signed.

---

---

**Application for Review of Premises Licence – KKA, 118 Cinder Bank, Dudley**

A report of the Strategic Director (Resources and Transformation) was submitted on an application for a review of the premises licence in respect of the premises known as KKA, 118 Cinder Bank, Dudley.

Mr P Burke, Solicitor and Mrs A Parveen, Premises Licence Holder were in attendance at the meeting, together with Mrs Z Nasar and Mr Asif.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Officer, both from the Directorate of Environment, Economy and Housing.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council.

Mr King then presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the serious undermining of the licensing objective, namely, the prevention of crime and disorder due to the poor management of the premises following the discovery of illicit alcohol at the premises on 7<sup>th</sup> February, 2012, 18<sup>th</sup> December, 2013 and 19<sup>th</sup> November, 2014 in direct contravention of the licensing objectives.

It was reported that the current premises licence was granted to Mrs Parveen on 7<sup>th</sup> September, 2005. It was reported that Mrs Parveen was also the Designated Premises Supervisor and had held a personal licence issued by Dudley Metropolitan Borough Council.

It was noted that on 7<sup>th</sup> February, 2012, a large quantity of illicit beer and 2 large suitcases of illicit tobacco was seized from KKA following a joint investigation by HMRC and Trading Standards. The matter was investigated by HMRC and no prosecutions had been made as a result.

Mr King indicated that on 23<sup>rd</sup> July, 2012, 2 independent complaints had been received by Trading Standards that illicit tobacco was still being sold from the premises.

On 18<sup>th</sup> December, 2013, following an inspection by Trading Standards, 15 bottles of illicit whisky and vodka was seized from the premises and a car linked to one of the shop workers.

On 6<sup>th</sup> June, 2014, a warning letter was sent to the business informing them that the alcohol seized on 18<sup>th</sup> December, 2014 had counterfeit duty paid labels affixed to the rear, and that as a result, all receipts for the purchase of alcohol should be kept for a minimum of 2 years.

Mr King stated that on 12<sup>th</sup> September, 2014, intelligence was received that counterfeit cigarettes were being sold under the counter for £30 for a carton of 200. The brands mentioned were Palace and MGN. It was reported that the brand Palace was known as “illicit whites”, i.e. cigarettes made for the sole purpose of being smuggled into and sold illegally in another market e.g. the UK.

On 17<sup>th</sup> September, 2014, it was reported that intelligence was received that cartons of 200 cigarettes were being sold from under the counter at the premises for £30. It was noted that the cigarettes had been in a red packet with 3 initials on them.

On 19<sup>th</sup> November, 2014, a warrant was executed at the premises in relation to the intelligence detailed above. During the search of the premises, it was reported that no illicit or counterfeit tobacco or cigarettes had been found, however, 5 bottles of illicit High Commissioner whisky and 5 bottles of illicit Glens vodka was found for sale on display behind the counter.

Mr King reported that enquires with the manufacturer of the whisky and vodka, the Loch Lomond Group concluded that “the bottles came from batches that were despatched “under bond” i.e. without payment of excise duty and with the required HMRC removal warrants to our customer’s bonded warehouse. The export labels have therefore been removed at some point by the counterfeiters and counterfeit UK Duty Stamp back labels applied to avoid payment of excise duty. The bottles would not be available through the normal secure supply chain and reputable Cash and Carry outlets and will have been obtained on the black market”.

In concluding, Mr King stated that should the Sub-Committee be minded not to revoke or suspend the premises licence, they could consider including additional conditions to the licence. A list of proposed additional conditions had been circulated to all parties prior to the meeting.

Mr Burke, Solicitor acting on behalf of KKA, reported that Mrs Parveen had been managing the premises alongside her husband, Mr Umar Daraz for 10 years. He indicated that her husband’s cousin, Mr K Kahn had been responsible for the incidents reported and as a consequence, had been dismissed and had allegedly moved to India. He stated that the family had suffered as a result of the history of offences and had decided to sell the business. Mr Burke reported that the process of sale of the premises was currently underway and that the buyer was Mrs Zahban Nasah, who was in attendance at the meeting.

Mr Burke reported that Mrs Parveen did not dispute the statement made by Trading Standards, however she had denied all knowledge of the incidents occurring. She maintained that he had been unaware of the incidents, complaints made and subsequent investigations until she had received a letter outlining details of the application to review the premises licence by Trading Standards. He recommended a number of additional conditions to include on the licence to ensure effective running and management of the premises in the future.

In response to a question asked by Trading Standards, Mr Asif, Mrs Parveen's brother-in-law confirmed that he managed a premises known as S & F News and Food in Kingswinford.

In responding to further questions from Trading Standards, Mr Burke confirmed that Mrs Parveen and her family would be vacating the premises upon completion of the sale. It was reported that the process was almost complete and that they were currently waiting for the lease to be sent back from their Solicitors.

Concerns were raised by Trading Standards in relation to the current management of the business. It was reported that during each visit of the premises, Mrs Parveen had not been involved or present at the premises; however, her name was recorded in all documentation as Designated Premises Supervisor. Mr Burke confirmed that following Mrs Parveen's realisation of the manner in which the premises had been managed, she was now taking an active role in running the business with her husband.

In responding to a question from Trading Standards regard the prevention of underage sales, Mrs Parveen indicated that proof of identification was always requested if persons appeared to look underage. She stated that without presenting identification, restricted products would be refused. It was noted that a refusals register was maintained and kept up-to-date and could be inspected if requested, however it was not available for perusal at the meeting.

In responding to a number of further questions by Trading Standards, Mrs Parveen could not offer any explanation as to how the illicit products came to be purchased for and sold at the premises. She maintained that during the raid of the premises by HMRC and Trading Standards, she was not present in the building and claimed that she had never met Mr King until the hearing, despite Mr King stating that they had met on a number of occasions during the process of the investigation.



Concerns were expressed by the Sub-Committee that Mrs Parveen, as Premises Licence Holder and Designated Premises Supervisor, had claimed to be unaware of all incidents, raids and subsequent investigations and queried who had been receiving correspondence in relation to the previous incidences. Concerns were also made regarding the execution of warrants at KKA where a female occupant of the premises next door was observed throwing a box over the wall of the back garden of the adjoining premises and following retrieval of the box, it revealed to contain illicit tobacco and cigarettes.

Mrs Parveen, having been asked the same question a number of times, asserted that she had no knowledge of the whole investigation and the history of complaints received and incidents occurring at her premises.

In response to a question from a Member, Mrs Parveen confirmed that her husband and husband's cousin Mr Khan, had managed the finances of the premises. A general query was made by the Sub-Committee that as Mrs Parveen could not answer any of the questions asked, her husband should have been in attendance at the meeting. Mrs Parveen stated that her husband had been aware that the premises had been purchasing and selling illicit products, however he had failed to inform her. It was noted that the circumstances of the whole incident had caused marital problems and was the cause of the decision to sell the business.

The Sub-Committee indicated that it was clear that Mrs Parveen, as Designated Premises Supervisor, had demonstrated a constant failure to manage the purchase and the sale of alcohol and tobacco in her shop.

An observation by a Member was made in relation to the location of the premises and the close proximity of Hillcrest School and Community College in relation illicit tobacco and cigarettes being available for purchase at the premises to the older students of the school. It was highlighted that there was no evidence that restricted products had been sold to minors, however, Mrs Parveen indicated that a Challenge 25 policy would be in operation at the premises.

In responding to a question from the Sub-Committee, Mrs Parveen confirmed that Mrs Nasah, the prospective purchaser of the premises, was not a relative.

Following a question from Trading Standards, Mrs Parveen was unable to confirm the source of supplier of the illicit products and reported that her husband and Mr Khan had been responsible for the financial affairs of the business. In responding to a question from the Sub-Committee, Mrs Parveen confirmed that every purchase transacted at the premises had been receipted and that receipts had been submitted to her accountant for completion of the annual tax return and had since been returned to her. It was noted that a copy of the annual tax return for the business, together with receipts, could be made available for inspection.

Concerns were raised by Trading Standards that despite Mr Daraz being involved in the poor management of the premises by permitting the purchase and sale of illicit products, he continued to manage the premises. In responding to questions from the Sub-Committee, Mrs Parveen indicated she had a young family and had not worked at the premises for the past 3 years. However, since January, 2015, she stated that she was now taking an active role in the management of the business and confirmed that only products purchased at legitimate Cash and Carry outlets were sold at her premises and at the request of the Sub-Committee, Mrs Parveen confirmed the name of the wholesalers that they routinely used.

In summing up, Mr King reported that the premises had a long history of incidents, all of which Mrs Parveen had been the Premises Licence Holder and Designated Premises Supervisor but had claimed that she had no knowledge of the history of the incidents, raids and subsequent investigations. He acknowledged that Mr Khan had been dismissed from the premises; however, Mr Daraz continued to manage the premises. Mr King indicated that despite the representations made at the meeting, he was not convinced that a similar incident would not occur in the future.

In summing up, Mr Burke indicated that Mrs Parveen had taken appropriate action by dismissing Mr Khan from the premises as soon as she had been made aware of the incidents occurring at the premises. He reported the circumstances of the whole incident had caused marital problems and was the cause of the decision to sell the business. It was noted that the purchase and sale of the premises was due to complete in the next 2 to 3 weeks, however no documents had been provided as evidence of the proposed sale. Mr Burke concluded by indicating that Mrs Nasah had offered a number of conditions to be imposed on the licence to prevent any future incidents.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee having made their decision invited the parties to return and the Chair then outlined the decision.

Resolved

That, following careful consideration of the information presented at the meeting, the premises licence in respect of KKA Cinder Bank, Dudley, be revoked.

#### Reasons for Decision

This is an application for a review of the premises license for KKA, 118 Cinder Bank, Dudley.

The review is brought by Trading Standards on 15<sup>th</sup> December 2014, on the licensing objective of the prevention of crime and disorder.

Mrs Anjaman Parveen is the Premises License Holder and she attended the Sub-Committee today. She is also the Designated Premises Supervisor.

The facts are that on 7<sup>th</sup> February 2012, a large quantity of beer and wine and two suitcases of tobacco were seized from the premises next door at 119 Cinder Bank. Keys to this property were found in a jacket in the shop. No duty had been paid on the products. However, a female shop worker was observed to leave the shop store room and throw a box half full of illicit cigarettes over the back fence of the shop into the garden of 117 Cinder Bank. The HMRC did not prosecute.

Following independent complaints about the sale of illicit tobacco from the store, a visit by Trading Standards on 18<sup>th</sup> December 2013 found 15 bottles of whisky and vodka both in the premises and in a car linked to one of the shop workers. The alcohol had counterfeit duty labels. A letter was sent to the premises on 6<sup>th</sup> June 2014 confirming this and stating that the premises should keep receipts for a minimum of two years.

Further detailed intelligence was received on 12<sup>th</sup> and 17<sup>th</sup> September 2014 that tobacco was being sold from “under the counter” at the shop, but a warrant executed on 19<sup>th</sup> November 2014 found no tobacco in the shop, but did find 5 further bottles of whisky and 5 bottles of vodka on the shelves and under the counter, which were seized, and proved to have counterfeit duty labels. These bottles could not have been obtained through a reputable and secure supply chain. This was therefore the third incident of this in the store whilst Mrs Parveen was the Premises License Holder and Designated Premises Supervisor. The third incident took place after she had been given a clear written warning, and on the first occasion, the sales from the shop also included tobacco, as well as alcohol.

Mrs Parveen stated today that she had no knowledge of the financial running of the premises, and that she knew nothing of the events from February 2012 until she received the application and statement of review. She stated that she had not received the warning letter dated 6<sup>th</sup> June 2014 from Trading Standards. She stated that she knew nothing about the joint Trading Standards/HMRC visit on 2<sup>nd</sup> February 2012 or the subsequent investigation. Mr King from Trading Standards stated in evidence that he met her more than once in the process of the investigation but Mrs Parveen asserted that she had never met Mr King until today. She said the business was owned by her husband Mr Umar Daraz but was actually run by his cousin Mr Kashif Khan. She stated that it was her belief that Mr Khan was responsible for the business, and that another man working for the business was probably responsible for the supply of the illicit products found at the premises and at 118 Cinder Bank. She did state that she believed all receipts had been retained and sent to her accountant, and then returned. Despite living above the shop, she had not worked in the shop over the last three years. Mr Khan had been dismissed as business manager in January 2015, and had gone to India.

Mrs Parveen's plan was to sell the business and move out of the premises totally. The prospective purchaser was a Mrs Zahban Nasah, who also attended today. The Sub-Committee was informed today that the purchase and sale of the premises would take place in the next 2-3 weeks. No supporting documentation or solicitor's letters were provided as evidence of the proposed sale.

The Sub-Committee is therefore satisfied that Mrs Parveen, as Premises License Holder and Designated Premises Supervisor, has demonstrated a consistent failure to manage the purchase and sale of alcohol and tobacco in her shop over a period of almost three years. This is despite an investigation of HMRC and Trading Standards in 2012 and a specific warning letter regarding the purchase of alcohol from non secure and reputable sources in June 2014. If she really had no knowledge of these events, then she has totally failed to fulfil her duty as Premises License Holder and Designated Premises Supervisor over three years. If she did know, then she has misled the Sub-Committee significantly. The result of her management of the premises license is that products with counterfeit duty labels or with no duty paid have been purchased for the shop and sold from it, and she has not promoted the objective of preventing crime and disorder.

The Sub-Committee therefore revokes the premises license. The Sub-Committee considered a suspension, with the removal of the Designated Premises Supervisor and the imposition of conditions on the license, but is so concerned about the persistent mismanagement of the premises, the very limited disclosure by Mrs Parveen today and the lack of evidence of the potential sale, that these steps are not deemed sufficient to meet the licensing objective. If the sale does proceed, then a fresh application for a premises licence can be made.

---

**Application for a Premises Licence – Halesowen Cricket Club, Seth Somers Park, Grange Road, Halesowen**

A report of the Strategic Director (Resources and Transformation) was submitted on an application for a premises licence in respect of Halesowen Cricket Club, Seth Somers Park, Grange Road, Haleswoen.

Mr R Billingham and Mr Roberts, Vice President of Halesowen Cricket Club, were in attendance at the meeting.

Also in attendance and objecting to the application was Mr B Russell. Mr B Russell's father and Councillor D Russell were also in attendance as observers.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council. It was noted that representations had been received from four residents in relation to potential increase in noise.

Mr Russell then presented his representations and in doing so made particular reference to the potential increase in noise nuisance. He indicated that during the summer months, he had experienced noise emanating from the premises during functions. He stated that the premises did not have a designated smoking area and as a result, customers used the patio doors, located opposite a residential area, as an exit door for a comfort break. Photographs were circulated to show the location of the patio and exit doors. He further stated that, following a meeting with club representatives, residents had not been satisfied that their concerns would be addressed.

Mr Russell reported that he did not object to the proposed licensing hours as long as assurances could be given that the patio doors remained closed at a reasonable time of 11.00pm onwards.

In responding to a question from Mr Billingham, Mr Russell confirmed that he had resided opposite Halesowen Cricket Club for 15 years.

Mr Billingham then presented his case and in doing so made particular reference that there had been no objections received from any responsible authorities in relation to noise nuisance. He indicated that he did not intend to fully utilise the licensing hours applied for, however, wished to retain flexibility for special occasions and instances where it would be commercially viable to remain open. He stated that the club currently had a Club Registration Certificate which curtailed the number of functions the club could hold per year. He confirmed the current licensing hours and indicated that essentially these would not change and therefore anticipated that noise nuisance would not be a problem should the application be granted. He further stated that neither Mr Russell nor any other resident had contacted the club in the past in relation to their concerns and, on that basis, he asked the Sub-Committee to consider approving the application for a premises licence.

Concern was raised by Mr Russell in relation to monitoring people accessing the club during private functions. Mr Billingham indicated that the people organising the function would be aware of who had been invited and any persons trying to gain entry who had not been invited would be refused entry.

In responding to a query, it was confirmed that a Designated Premises Supervisor need not be on site at all times, however they were expected to be sufficiently involved with the business to be able to act as it's representative.

In relation to the alleged noise complaints emanating from the fire and patio doors, Mr Billingham circulated a plan and confirmed the location of all emergency/fire and patio doors. It was noted that the doors opposite Mr Russell's place of residence were self closing fire doors. He acknowledged that on one occasion doors had been kept open due to the hot weather, however, he reported that all windows had now been double glazed and that the main door to the function room would remain closed except for emergency situations.

In summing up, Mr Russell disputed the statement made that doors had been left open on one occasion only causing noise to escape during regulated entertainment. He indicated that people used the fire door when exiting the premises for a comfort break and instead of letting the door close, it was being held open to gain entry back into the club to save people having to walk to the front of the premises to gain access.

In summing up, Mr Billingham indicated that the club had no history of complaints in relation to noise, which was evidenced by no representations from any responsible authorities being submitted. He stated that the premises would essentially be run and managed in the way it had always been, however wished to retain flexibility for special occasions and instances where it would be commercially viable to remain open. In concluding, Mr Billingham reported that should the premises licence be granted and residents had any complaints, then there was provision in the legislation that the club could be brought to the Licensing Sub-Committee for a Review.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee, having made, their decision, invited the parties to return and the Chair then outlined the decision.

Resolved

That the grant of a premises licence in respect of Halesowen Cricket Club, Seth Somers Park, Grange Road, Halesowen, be approved, in the following terms:-

### Sale of Alcohol/Films

Monday – Sunday (inclusive)      06.00 – 02.00 the following day

### Regulated Entertainment (Live Music/Recorded Music/Dance

Monday – Sunday (inclusive)      12.00 – 02.00 the following day

### Late Night Refreshments

Monday – Sunday (inclusive)      23.00 – 02.00 the following day

### Conditions

- (1) That all windows and doors to the premises are to be closed after 11.00pm.
- (2) That the fire door between the sliding patio doors in the main club room, and the fire door in the members lounge shall not be used for access and egress except in the case of emergency.

### Reasons for Decision

This is an application for a premises licence for Halesowen Cricket Club, for the sale of alcohol, late night refreshments and live music/recorded music/dance in accordance with their operating schedule.

There have been no representations from any responsible authority, but one local resident made a representation on 21<sup>st</sup> December 2014. He is concerned that the windows and doors should be kept closed to prevent noise escaping from the premises during any licensed hours. This is a concern about the objective of public nuisance.

Mr Billingham and Mr Roberts attended to make the application, and Mr Russell attended to make his representation in person.

The representation is based on potential noise nuisance if the premises are licensed. His property is directly opposite the club entrance (he has lived there for 15 years), and those doors are apparently fire doors. He stated that he had experienced noise from the club currently that does disturb him, and that the doors have been left open on summer evenings, probably when persons are having cigarettes.

Mr Billingham responded that there have been no complaints in respect of the noise from the club as it has been running, and that the hours of the club will not change. He therefore asserts that the potential for noise disturbance has been exaggerated by Mr Russell. All windows in the club have been newly double glazed.

There have been no representations against the application in itself, and the Sub-Committee grants the application. However, in the light of the representation about alleged past noise nuisance after 11pm and the potential for noise nuisance in the future, the Sub-Committee imposes the two conditions outlined above.

The Sub-Committee notes from the operating schedule that all users of the club will be expected to be of good behaviour both within the premises and its curtilage to prevent nuisance to the neighbourhood.

---

The meeting ended at 1.00pm.

CHAIR