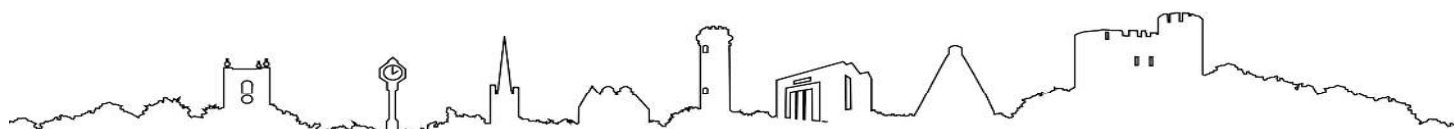


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28th January, 2023 – 22nd March, 2023

Public documents for meetings are on the Council's Website by accessing the [Committee Management Information System \(CMIS\)](#)

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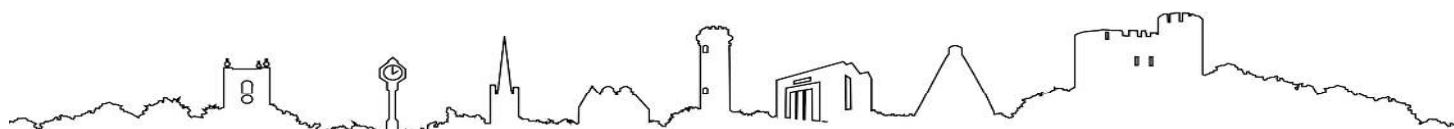
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Minutes of the Cabinet

**Thursday 16th February, 2023 at 6.00 pm
in Committee Room 2 at the Council House, Dudley**

Present:

Cabinet Members

Councillor P Harley (Leader)
Councillor S Clark (Deputy Leader)
Councillors I Bevan, R Clinton, S Keasey, N Neale, D Stanley and L Taylor-Childs.

Opposition Group Members Nominated to attend the Cabinet

Councillors S Ali, A Aston, C Bayton, K Casey, J Foster, P Lowe, S Ridney, P Sahota and Q Zada.

Officers

B Heran (Deputy Chief Executive), M Bowsher (Director of Adult Social Care), K Jones (Director of Housing and Communities), I Newman (Director of Finance and Legal), H Martin (Director of Regeneration and Enterprise), J Branch (Assistant Director People and Inclusion) and H Mills (Senior Democratic Services Officer).

Together with approximately 10 members of public.

83 Apology for Absence

An apology for absence from the meeting was submitted on behalf of Councillor C Barnett.



84 **Declarations of Interest**

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

85 **Capital Programme Monitoring**

A joint report of the Chief Executive and Director of Finance and Legal was submitted on progress and proposed amendments in respect of the Capital Programme. The report also proposed the 'prudential indicators' required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003; the updated Capital Strategy and the Minimum Revenue Provision (MRP) Policy for 2023/24.

At this juncture, the Leader asked the Director of Regeneration and Enterprise to provide an update on the Wrens Nest Wardens Base to a future meeting of Informal Cabinet.

Resolved

That the Council be recommended:-

- (1) That progress with the 2022/23 Capital Programme, as set out in Appendices A and B to the report, be noted.
- (2) That the amendments to the Capital Programme, as set out in paragraphs 10 to 13 of the report, be approved.
- (3) That the capital projects proposed in the Medium-Term Financial Strategy in paragraphs 14 to 16 of the report be added to the Capital Programme, subject to the approval of revenue funding by Full Council on 6th March 2023.
- (4) That the Prudential Indicators as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in Appendix C to the report, be agreed.

- (5) That the updated Capital Strategy, as set out in Appendix D to the report, be approved.
 - (6) That the Minimum Revenue Provision (MRP) Policy for 2023/24 be approved as set out in paragraph 17 of the report.
-

86 **Medium Term Financial Strategy**

The Cabinet considered a joint report of the Chief Executive and Director of Finance and Legal on the deployment of General Fund revenue resources, a number of statutory calculations that had to be made by the Council and the Council Tax to be levied for the period 1st April, 2023 to 31st March, 2024.

Resolved

- (1) That the Council be recommended:-
 - (a) To note the actions of the External Auditors, as set out in paragraph 15 of the report.
 - (b) To note the forecast variances to budget in 2022/23 and progress with the delivery of savings as set out in paragraph 16 and Appendices A and B of the report.
 - (c) That, with effect from 1st April, 2024 and subject to the enactment of the Levelling Up and Regeneration Bill, for properties which have been empty (i.e. unoccupied and unfurnished) for more than one year, an Empty Homes Premium of 100% be applied, resulting in a 200% Council Tax charge being payable in these circumstances, as set out in paragraph 31 of the report.
- (2) That the Director of Finance and Legal, following consultation with the Cabinet Member for Finance and Legal, be authorised to finalise Council Tax reductions funded from the Council Tax Support Fund 2023 as set out in paragraph 32 of the report.

- (3) That the Director of Finance and Legal, following consultation with the Cabinet Member for Finance and Legal and the Opposition Spokesperson for Finance and Legal, be authorised to approve any changes to the budget proposals resulting from the final Local Government Finance Settlement and final decisions on the West Midlands Combined Authority Transport Levy and non-transport funding contributions, as set out in paragraphs 26 and 37 of the report.
- (4) That the Director of Finance and Legal and the Director of Public Health and Wellbeing, following consultation with the Cabinet Member for Health and Adult Social Care and the Opposition Spokesperson for Health and Adult Social Care, be authorised to approve any minor changes to the 2023/24 budget proposals resulting from the final allocation of Public Health Grant, as set out in paragraph 44 of the report.
- (5) That subject to any amendments arising from the above, the Council be recommended to approve the following:
 - (a) The budget for 2023/24, and Directorate allocations (including the Public Health budget), as set out in the report.
 - (b) That the statutory amounts required to be calculated for the Council's spending, contingencies and contributions to reserves; income and use of reserves; transfers to and from its collection fund; and Council Tax requirement, as referred to in Section 67(2)(b) be now calculated by the Council for the year 2023/24 in accordance with Sections 31A, 31B and 34 to 36 of the Local Government and Finance Act 1992, as shown in Appendix L to the report.
 - (c) That, having calculated the aggregate in each case of the amounts in Appendix L, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, agrees the following levels of Council Tax for Dudley Council services for 2023/24:

Valuation Bands

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
1045.60	1219.87	1394.13	1568.40	1916.93	2265.46	2614.00	3136.80

(d) The Medium-Term Financial Strategy as set out in the report.

- (6) That the Council be recommended to determine that a referendum relating to Council Tax increases is not required in accordance with Chapter 4ZA of Part 1 of the Local Government Finance Act 1992, as set out in paragraph 50 of the report.
- (7) That the Council be recommended to authorise the Cabinet Members, the Chief Executive, Deputy Chief Executive and Directors to take all necessary steps to implement the proposals contained in the report, in accordance with the Council's Financial Management Regime.

87 **Deployment of Resources: Housing Revenue Account and Public Sector Housing Capital**

A joint report of the Director of Housing and Communities and the Director of Finance and Legal was submitted on the latest Housing and Review Account (HRA) financial forecasts for 2022/23 and to set the rents for Council Homes and the HRA budget for 2023/24. The report also provided an update on the Capital Expenditure Budget for strategic investment and necessary programmed maintenance of the Council's housing stock for 2022/23 to 2027/28 and to approve the Medium Term Financial Strategy.

In response to a question raised by Councillor A Aston in relation to the availability of advice for those residents that may experience difficulties in meeting the proposed 7% rent increase, the Cabinet Member for Housing and Communities indicated that support and advice would be readily available and Members should encourage residents to immediately make contact should they not be able to meet their payments.

Arising from a further question raised by Councillor C Bayton, the Cabinet Member for Housing and Communities noted the issues raised in relation to the delay in responding to repairs. It was further commented that guidance on the correct reporting process for repairs, would be circulated to all Members of the Council to ensure that responses were managed accordingly.

Resolved

- (1) That the latest HRA outturn forecast for 2022/23, as set out in paragraphs 5 to 9 and Appendix 1 of the report, be noted.
- (2) That the increase in rents for HRA dwellings by 7% with effect from 3rd April, 2023 be approved as set out in paragraphs 10 to 13 of the report.
- (3) That the Council be recommended:-
 - (a) To approve the HRA revenue budget for 2023/24, as outlined in paragraph 18 and Appendix 2 of the report.
 - (b) To approve the public sector housing revised capital budgets for 2023/24 to 2027/28 as outlined in Appendix 3 of the report; and to note the consultation arrangements as outlined in paragraph 4 of the report.
 - (c) To authorise the Director of Housing and Communities and the Director of Finance and Legal to bid for, and enter into, funding arrangements for additional resources to supplement investment in the public sector housing stock, as outlined in paragraphs 19 to 28 and Appendix 3 of the report and that expenditure funded from such resources be added to the Capital Programme.
 - (d) To authorise the Director of Housing and Communities, following consultation with the Cabinet Member for Housing and Communities, to manage and allocate resources to the Capital Programme as outlined in paragraphs 19 to 28 and Appendix 3 of the report.

- (e) To confirm that all capital receipts arising from the sale of HRA assets (other than any receipts that may be specifically committed to support private sector housing) should continue to be used for the improvement of Council homes, as indicated in paragraphs 19 to 28 and Appendix 3 of the report.
 - (f) To authorise the Director of Housing and Communities to continue to buy back former right to buy properties, to buy other properties, and to buy land where required to assemble a viable site for housing development, subject to a robust assessment of good value for money and sustainability in terms of lettings, maintenance and major works, as set out in paragraphs 19 to 28 and Appendix 3 of the report.
 - (g) To endorse the HRA medium term financial strategy.
- (4) That the Director of Housing and Communities be authorised to procure and enter into contracts for the delivery of the Capital Programme, as outlined in paragraphs 19 to 28 and Appendix 3 of the report.
-

88 Dudley Council Pay Policy Statement 2023/24

The Cabinet considered a report of the Chief Executive on the Council's annual Pay Policy Statement to comply with Sections 38 and 39 of the Localism Act 2011. The Statement articulated the Council's policies on a range of issues relating to the pay of the workforce, particularly the most senior staff (or 'Chief Officers') and the relationship of their pay to the lowest paid employees.

Resolved

That the Council be recommended to approve the Pay Policy Statement for 2023/24.

89 **Annual Review of the Constitution**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted on the annual review of the Constitution.

Reference was made to the change in portfolio in relation to the functions for libraries and archives and the functions relating to community development and engagement, which would be reflected in the report submitted to Council on 27th February, 2023.

Resolved

That the Council be recommended to endorse the updates and amendments to the Constitution as set out in the report.

90 **Dudley MBC response to South Warwickshire Issues and Options Local Plan Consultation**

The Cabinet considered a report of the Director of Regeneration and Enterprise on the Local Plan Consultations undertaken by other Local Planning Authorities and to approve the proposed response to the South Warwickshire Issue and Options Local Plan consultation, to ensure that Council fulfilled its legal obligations under the Duty to Cooperate and that the interests of Dudley Borough were being fully considered in the plan-making activities of other local authorities.

Resolved

- (1) That the summary of the South Warwickshire Local Plan consultation, including the key issues arising for Dudley MBC, be noted.
 - (2) That the proposed response to the South Warwickshire Local Plan consultation, as set out in Appendix 1 to the report, be approved.
-

91 **Dudley MBC response to National Planning Policy Framework (NPPF) Consultation**

A report of the Director of Regeneration and Enterprise was submitted on the Government consultation concerning proposed reforms to the National Planning Policy Framework (NPPF), and to approve the proposed response to the consultation.

The comments made by Councillor P Sahota were noted in relation to benchmarking to assist with the monitoring of whether Dudley was meeting its requirement to provide affordable housing and additional housing options for older people.

Resolved

- (1) That the summary of the National Policy Framework consultation be noted.
- (2) That the proposed response to the consultation, as set out in Appendix 1 to the report, be approved.

92 **Future High Streets Fund Programme – Brierley Hill**

Members considered a report of the Director of Regeneration and Enterprise on the delivery of the Future High Streets programme and the impact on the programme caused by West Midlands Combined Authority's (WMCA) decision to delay the Midland Metro Extension to Brierley Hill.

Resolved

- (1) That the report and the progress with delivery of the Future High Streets Fund programme be noted.

- (2) That the Director of Regeneration and Enterprise, following consultation with the Director of Finance and Legal and the Cabinet Member for Regeneration and Enterprise, be authorised to proceed with the Project Adjustment Request to the Department for Levelling Up, Housing and Communities to remove Daniels Land and the High Plateau sites from the programme and to bring forward replacement projects deliverable within the Future High Streets Fund timescale.
-

93 **Portersfield**

A joint report of the Deputy Chief Executive and Director of Regeneration and Enterprise was submitted on the progress relating to Portersfield since the last update in September 2021 and the further regeneration updates provided at the meeting on 14th December, 2022.

In responding to comments made by Opposition Group Members in relation to the lack of ambition for the site and the level of detail available for public scrutiny, the Leader commented that in accordance with the timeline outlined in paragraph 28 of the report, further details on the proposals would be provided in due course and it was anticipated that a partner would be in place by the Summer. Portersfield was a large site and it was important to ensure the development was appropriate and suited to the needs of the Borough.

Resolved

- (1) That the progress made to date be noted.
 - (2) That the proposed timetable on the remaining due diligence and briefs be noted.
 - (3) That the procurement options, planning strategy and developer procurement be subject to approval at a future meeting of the Cabinet.
-

94 **Issues Arising from Scrutiny Committees**

No issues were raised under this agenda item.

95 **Questions to the Leader under Cabinet Procedure Rule 2.5**

There were no questions to the Leader pursuant to Cabinet Procedure Rule 2.5.

96 **Exclusion of the Public and Press**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraph of Part I of Schedule 12A to the Local Government Act 1972, as amended, as set out below:

Minute No. 97 - paragraph 3 (relating to the financial or business affairs of any particular person (including the authority holding that information)).

97 **Portersfield**

Further to Minute No. 93 above, the Cabinet considered a joint report of the Deputy Chief Executive and Director of Regeneration and Enterprise on the progress relating to Portersfield.

During the discussion, the Leader indicated that a briefing for Ward Councillors would be arranged to provide indicative information with regards to the proposals and improvement works in and around the Portersfield site. A briefing for Ward Councillors, Members of the Cabinet and Shadow Cabinet Members on the Dudley Interchange, would also be arranged.

Resolved

- (1) That the progress made to date be noted.
- (2) That the issues with gaining access for surveys and the potential impact on the timetable be noted.

- (3) That the intention to enter into a collaboration agreement and the need to ensure negotiations are timebound be noted.
 - (4) That the issues surrounding The Beach land be noted.
 - (5) That the intention for the chosen delivery partner to submit a planning application for the wider site be noted.
-

The meeting ended at 7.20 pm

LEADER OF THE COUNCIL



Minutes of the Cabinet

**Thursday 16th March, 2023 at 6.00 pm
at Dudley Town Hall, St James's Road, Dudley**

Present:

Cabinet Members

Councillor S Clark (Deputy Leader in the Chair)
Councillors I Bevan, R Buttery, D Corfield, R Clinton, S Keasey, N Neale,
D Stanley and L Taylor-Childs.

Opposition Group Members Nominated to attend the Cabinet

Councillors J Foster, S Ridney and P Sahota.

Officers

K O'Keefe (Chief Executive), M Abuaffan (Acting Director of Public Health and Wellbeing), H Martin (Director of Regeneration and Enterprise), R Cooper (Head of Financial Services), N Bridger (Senior Manager HR Delivery and Intelligence), D Brennan (Equality, Diversity and Inclusion Manager), K Jesson (HR Delivery Manager - Business Partnering and Intelligence) and S Griffiths (Democratic Services Manager).

98 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors S Ali, A Aston, C Barnett, C Bayton, K Casey, P Lowe, P Harley and Q Zada.



99 **Declarations of Interest**

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

100 **Minutes**

Resolved

That the minutes of the meetings held on 26th January, 2023 and 16th February, 2023, be agreed as correct records and signed.

101 **Capital Programme Monitoring**

A joint report of the Chief Executive and Director of Finance and Legal was submitted on progress with the implementation of the Capital Programme and proposed amendments.

Councillor P Sahota raised concerns relating the implications and the risks associated with increased loan support to Black Country Innovative Manufacturing Organisation (BCIMO) and queried whether this was included on the corporate or directorate risk registers. A written response would be provided.

Councillor R Buttery undertook to request a briefing on points raised by Councillor S Ridney concerning future Special Educational Needs and Disability (SEND) Projects and particularly the implications in the North of the Borough.

The Deputy Leader reported that the scrutiny call-in procedure would not apply to the decision concerning loan support to BCIMO. In accordance with the Council's Scrutiny Committee Procedure Rules, the Mayor had agreed that this decision was urgent and could not reasonably be deferred due to the urgent need to consider cashflow support. The decision of the Cabinet would therefore be implemented with immediate effect and reported to the next Full Council meeting for information.

Resolved

- (1) That the Council be recommended:-
 - (a) That the progress with the 2022/23 Capital Programme, as set out in Appendices A and B to the report, be noted.
 - (b) That the expenditure for additional Changing Places toilets, funded by an additional grant, as set out in paragraph 4 of the report, be included in the Capital Programme.
 - (2) That the Director of Finance and Legal be authorised to increase loan support to Black Country Innovative Manufacturing Organisation (BCIMO) by up to £712,000, in view of the cash flow issues outlined in the report, and to amend the Capital Programme to include the City Regional Sustainable Transport Strategy (CRSTS) grant, as set out in paragraph 5 of the report.
-

102 Gender Pay Gap Report 2022 – Snapshot date 31st March, 2022

The Cabinet considered a report of the Chief Executive on the Gender Pay Gap Report 2022, which was due for publication by 30th March, 2023, in accordance with the requirements of the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

Resolved

- (1) That the Gender Pay Gap 2022 report, as set out in Appendix 1 to the report, be approved for public disclosure and that the data be reported to the Government before 30th March, 2023 to ensure compliance with the requirements of the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.
 - (2) That the amendment to the 'mean' and 'median' figures contained within the 2021 Gender Pay Gap report be noted.
-

103 **UK Shared Prosperity Fund - Approval of Year 2 UKSPF Programme Schedule - Communities and Place and Local Business Support**

The cabinet considered a report of the Director of Regeneration and Enterprise providing an update on the UK Shared Prosperity Fund (UKSPF) Year 1 activity relating to Communities and Place and to seek approval for the indicative Year 2 and Year 3 programme schedule prior to entering into subsequent annual funding agreements, as approved at the meeting of the Cabinet on 27th October, 2022.

The Director of Regeneration and Enterprise undertook to provide a briefing note on issues raised by Councillor P Sahota concerning benchmarking, business support, equality impact, delivery and risk management. A list explaining the acronyms in the report would also be provided.

Reference was also made to the formation of the UKSPF Steering Group, the composition of which would be discussed at the first meeting of the Group. It was suggested that the Group should be more representative and inclusive, including representation from other public agencies, businesses, colleges and children and young people.

Resolved

- (1) That the progress made with regard to the UK Shared Prosperity Fund (UKSPF) Year 1 delivery, and the rationale for the funded projects, be acknowledged.
- (2) That the proposed year 2 and year 3 programme schedule be approved.
- (3) That, subject to comments made at the meeting, the proposed governance arrangements for overseeing delivery of UKSPF projects be approved.
- (4) That the risks associated in scaling up activity in both Communities and Place and Local Business Support, given the delays to date in approvals of UKSPF funding, be acknowledged.

104 **Approval of the Black Country Joint Committee Collaboration Agreement and Enterprise Zone Memorandum of Understanding**

The Cabinet considered a joint report of the Chief Executive and the Deputy Chief Executive on the arrangements agreed by the four Black Country Local Authorities (BCLA's), to retain and continue the successful administration of legacy funding in the Black Country, following the abolition of the Black Country Local Enterprise Partnership (BCLEP), with effect from 31st March, 2023.

The report referred to how this would be facilitated to ensure funding was retained for use across the Black Country, which would require the existing legal agreement underpinning the Black Country ways of working: The Black Country Joint Committee (BCJC) Collaboration Agreement ("Collaboration Agreement"), to be updated, together with the Memorandum of Understanding for Enterprise Zones (EZ MOU) between the BCLA's and the relevant Government Department.

Resolved

- (1) That the revised Collaboration Agreement, as set out in Appendix A to the report, with the significant changes as set out in the report, be approved.
- (2) That authority be delegated to the Chief Executive, following consultation with the Leader, to make any final amendments and to authorise the sealing of the Collaboration Agreement by the Council.
- (3) That authority be delegated to the Chief Executive, following consultation with the Leader, to negotiate, approve and sign the Memorandum of Understanding for Enterprise Zones.

105 **Infrastructure Funding Statement 2022 – Allocation of Funding**

A report of the Director of Regeneration and Enterprise was submitted on the Infrastructure Funding Statement 2022 allocation of funding to Community Infrastructure Levy (CIL) eligible projects.

In welcoming the investment, Councillor P Sahota requested information on the other projects that had been put forward as referred to in the report. The Director of Regeneration and Enterprise indicated that this could be provided.

Resolved

That the projects to receive Community Infrastructure Levy funding, as detailed in Table 1 of the report, be approved.

106 **Dudley Playing Pitch and Outdoor Sport Strategy (PPOSS) and Strategy and Action Plan and Black Country PPOSS Overarching Strategic Framework**

This item of business was deferred to the next meeting of the Cabinet.

107 **Dudley MBC response to the Sandwell Local Plan consultation**

The Cabinet considered a report on Dudley MBC's response to the Sandwell Local Plan (Issues and Options) Consultation.

The Director of Regeneration and Enterprise responded to a query from Councillor S Ridney concerning the gypsy and traveller provision as referred to in the report.

Resolved

That the Council's proposed response to the Sandwell Local Plan (Issues and Options) consultation, as set out in Appendix 1 to the report, be approved.

108 **Scale of Fees and Expenses for Borough Council Elections**

The Cabinet considered a report of the Chief Executive on the Scale of Fees for Borough Council Elections.

Resolved

That the Scale of Fees and Expenses, as contained in Appendix A to the report, be approved effective for all local elections held after 3rd April 2023.

109 **Issues arising from Scrutiny Committees**

No issues were raised under this agenda item.

110 **Questions from Members to the Leader (Cabinet Procedure Rule 2.5)**

No questions were raised under this agenda item.

The meeting ended at 6.50 pm

LEADER OF THE COUNCIL

Minutes of the Children and Young People Scrutiny Committee

**Monday 13th March 2023 at 6.00 pm
At Saltwells Education Development Centre,
Bowling Green Road, Netherton, Dudley**

Present:

Councillor P Bradley (Chair)
Councillors C Bayton, H Bills, R Body, D Borley, S Bothul, R Collins, T Creed, P Lee, K Lewis, and S Ridney.

Invitee:

J Griffiths – Healthwatch, Dudley

Officers:

A Cartwright (Head of Service Consultant in Public Health), C Driscoll (Director of Children's Services), K Graham (Service Director of Children's Social Care), S Thirlway (Service Director Education, SEND and Family Solutions) and K Buckle (Democratic Services Officer).

49. Apologies for absence

Apologies for absence from the meeting were submitted on behalf of Councillors D Bevan, A Hughes, A Millward and C Collins.

50. Appointment of Substitute Members

Councillors T Creed, R Body and R Collins were appointed as substitute Members for Councillors D Bevan, A Hughes and A Millward respectively for this meeting of the Committee only.

51. **Declarations of Interest**

Councillor P Lee declared a pecuniary interest as he was engaged as a Dudley Foster Carer.

Councillor K Lewis declared a pecuniary interest as an Early Years Provider.

52. **Minutes**

Resolved

That the minutes of the meeting held on 19th January 2023, be confirmed as a correct record, and signed.

53. **Public Forum**

No issues were raised under this agenda item.

54. **Action Tracker/Future Business**

The Chair updated Members in relation to the Action Tracker referring to those items that would be rolled forward to the 2023/24 municipal year.

The visits to the Multi Agency Safeguarding Hub and Family Centre were mentioned and it was noted that further visits would be arranged.

Resolved

That the information contained in the Action Tracker, be noted.

55. **Children's Services Improvement Update**

Members considered a report of the Director of Children's Services updating the Committee on the progress of the improvement actions set out in the 2022/23 Improvement Plan and in the oversight of the Dudley Children's Improvement Plan.

Members were requested to note the outcomes of the Ofsted ILACS inspection from November 2022, that shaped the development of the plan and the recommendations of the Department for Education (DfE) that Dudley Children's Services was no longer in need of support and supervision.

The Service Director of Children's Social Care presented the report submitted referring to the progress made against the five areas of the 2022/23 Improvement Plan that were outlined in the report submitted.

The improvement journey for the authority had been shared with Ofsted during their full inspection in October/November 2022.

Ofsted's findings were published on 13th January 2023 and identified that Dudley was an authority that required improvement to be good. That was in line with the staff-evaluation presented to the inspecting team, who found that the Chief Executive, Lead Members and the children's services leadership team were aware of the challenges faced in ensuring that Dudley's most vulnerable children were remained safe and enabled to thrive.

The work conducted by Dudley alongside Herfordshire County Council was outlined.

The Dudley Children's Improvement Partnership had been overseen by the DfE appointed Improvement Advisor, Alastair Gibbons, and it was noted that at the Partnership meeting on 18th January 2023 the decision to conclude the partnership was approved. This recognised the confidence in the foundations for improvement that had been set across the Directorate, including the commitment to partnership working through the new established Children and Young Person's Board, the Children's Group Safeguarding People Partnership and Family Safeguarding Board.

It was noted that Dudley Children's Services had been subject to support and supervision for some considerable time and the decision in relation to formal oversight through support and supervision was a ministerial decision. The DfE had confirmed their recommendation that the intervention through support and supervision should now be ended.

It was reported that the Family Safeguarding model of children's social work included adult facing workers which were also in the team, with expertise in substance misuse, poor mental health, and domestic abuse. This had been developed in Herfordshire, and they were supported throughout the DfE with a national team to facilitate the model across other authorities.

Dudley had previously taken some steps towards multi-disciplinary working in the development of two Family Come First teams, designed to work with families where children were on the edge of care, this had a clear focus on enabling children to remain with their families.

During the work since their inception, the Family Come First (FCF) teams had worked with 219 children and over their first 12 months, the total number of children that needed to become looked after from the FCF teams had been 9, which was a positively small cohort. Of all children identified as being on the edge of care, 93% had not become looked after. This provided strong evidence of the effectiveness of the whole family, multi-disciplinary approach.

The Family Safeguarding model that builds on the multi-disciplinary way of working had been seen to reduce the number of children in need of protection and the number of children who were in need of becoming looked after. It was also attractive to staff and had a good track record in staff retention.

The Authority had provided the financial support to enable the model to be adopted and the DfE had supported the service through the deployment of the Herfordshire team.

In relation to the Forward Plan, Ofsted had set out the five areas of improvement for the authority and these were outlined in the report submitted.

The sufficiency across the children's workforce at the front line remained an area of substantive challenge. The Ofsted report noted the comprehensive workforce development plan but recognised the risk posed in the fragility of the workforce. In January 2023, the Workforce Board noted that there was an 18% social worker vacancy level and a 12-month turnover rate of 19%, which inevitably resulted in a change of social worker for a child and their family.

The deployment of the Market Forces Supplement had delivered impact, but it had not been as effective in the core service area for support and safeguarding, that remained the most difficult area for recruitment.

Recruitment drives were continuing, with Officers attending the Compass Job Fair in March 2023

Work had continued with colleagues in the region in the consistent use of a shared Memorandum of Practice which strengthened the agreement that authorities would not take staff on an agency basis who had resigned from permanent positions in other authorities.

The Workforce Board continued with a sole focus on social work. The development of a social work career path would be investigated. This would enable progression to Advanced Practitioner level in each team.

Recent success had been achieved with a search model for recruitment and working with Human Resources colleagues on maximising each of those opportunities and work continued to support effective and timely deployment, the compliance checks in recruitment, and responsive management tools to support retention. The focus of that work would consist of a whole authority approach.

The workforce development plan continued and more widely, the forward plan was informed but not confined by the Ofsted actions. It was set in the wider redesign and in the implementation of Family Safeguarding.

The three key pillars that set the structure of the next phase of the continued improvement as contained in the report submitted were referred to.

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

- (a) The Chair commented positively on the report presented and in response to a question in relation to the Membership of the Children's Group Safeguarding People Partnership, the Service Director for Children's Social Care advised that V Buchanan the Independent Scrutineer in Children's Services chaired the meeting, with other partners from Public Health, West Midlands Police and a school's representative also being members of the Partnership.
- (b) In response to a question from Councillor S Ridney in relation to budget and efficiency savings within the Children's Services Directorate, the Director of Children's Services advised that those savings would not impact upon the pay and conditions of Social Workers.

- (c) The Director of Children's Services, in response to a further question from Councillor S Ridley advised that Connect2Dudley were not responsible directly for referrals into the Local Authority of Social Work staff, however they were the master vendor to connect the Authority with agency Social Workers, and it was accepted that the recruitment of safeguarding and support Social Workers continued to be challenging.

The Service Director for Children's Social Care reported that one of initiatives for the recruitment of Social Workers was to provide them with free car parking.

The Director of Children's Services also reported on the provision of the roll out of hand-held devices to record reporting which had been rolled out in accordance with the Centre for Professional Practice guidelines.

- (d) In response to a question from Councillor H Bills, the Director of Children's Services referred to the high standards required for children and young people and the need to learn from mistakes, providing support to workforces and continuing to provide rigorous performance management.
- (e) In response to a question from Councillor D Borley, the Director of Children's Services reported that the Hertfordshire model of children's social care work was well reported and those pursuing social worker positions would be familiar with that model of working.
- (f) J Griffiths – Chief Officer of Healthwatch Dudley referred to the possibility of capturing the voices of children, families and carers in order to review services and provide feedback which would both support and improve services and the Service Director of Children's Social Care confirmed that possibilities would be explored further with Healthwatch Dudley.
- (g) In responding to a question from the Chair regarding Social Worker caseloads, the Service Director of Children Social Care advised that there was an average of approximately 24 cases allocated to each Social Worker across the children in care and children in need of protection services. There were approximately 20 to 24 cases allocated to each Social Worker for the children in need of assessment service, however that did not apply to Social Workers who were in their first year of qualification, and there was an overall target of 18 cases per Social Worker.
- (h) In response to a question from the Chair, the Service Director for Children's Social Care reported that there were three young people aged 16 to 17 years who were placed in supported accommodated with care needs, who were reviewed on a weekly basis, which included an updated risk analysis which was required to be signed off by the Director.

- (i) Councillor P Lee raised concerns in relation to those care leavers who were 18 years of age leaving the care system, as he did not believe that they were age appropriate to leave the system and reside on their own. It was suggested that the age limit should increase. Appreciation was expressed for the continued work with children and their families and adopting the Herfordshire model. There was a request that pay conditions be reviewed in order to raise those to an appropriate level.

The Service Director for Children's Social Care reported that all teams working within one building had been beneficial providing child focused work and service delivery for the children of the Borough.

Resolved

- (1) That the contents of the report on the progress of the improvement actions set out in the 2022/23 Improvement Plan, and in the oversight of the Dudley Children's Improvement Partnership, be noted.
- (2) That the outcomes of the Ofsted ILACS Inspection from November 2022, that shaped the next development plan, be noted.
- (3) That the recommendation of the Department for Education (DfE) that Dudley Children's Services was no longer in need of support and supervision, be noted.

56. Annual Scrutiny Report 2022/23

Members considered the Annual Scrutiny report for 2022/23.

The Chair presented the report submitted and in doing so suggested that the Special Educational Needs and Disabilities Service report be submitted to the Committee twice each municipal year.

Councillor C Bayton suggested that the Corporate Quarterly Performance reports be submitted to the Committee twice each year in order to provide Members with the most up to date analysis and data.

Councillor R Body requested that an item on home schooling be considered by the Committee. In response, the Chair referred to the report of the Virtual Headteacher that had been submitted to the last meeting of the Committee and Officers undertook to submit that report to Councillor R Body for information.

Councillor C Bayton requested that an item be included on care leavers accommodation and the issues that may pose going forward.

The Chair referred to the meeting of the Scrutiny Committee Chairs and Vice Chairs that was scheduled to take place on 30th March 2023 to discuss the Annual Scrutiny programme further, and confirmed that Members would be consulted further on items that they wished to be considered by the Committee.

Resolved

- (1) That the information contained in the report submitted on the Annual Scrutiny Programme 2022/23, be noted.
- (2) That the following items be rolled forward for inclusion in the draft Annual Scrutiny Programme for 2023/24: -

Corporate Quarterly Performance Reports
Special Educational Needs and Disabilities (SEND)
Children's Services Complaints, Comments and Compliments
Annual Report
Dudley Children's Safeguarding Partnership Annual Report
Independent Reviewing Officers Annual Report
Integrated Early Years, Family Hubs and Start of Life in Dudley
Serious Violence Strategy
Medium Term Financial Strategy
Education Report
Dudley Virtual School Annual Report
Social Care Improvement Updates

- (3) That the following items be included in the work programme for 2023/24: -

Good and innovative practices in other parts of the country, in respect of the long-term strategy to tackle the cycle of poverty embedded in parts of Dudley's Communities to assist with the development of the Dudley Strategy.

The role and responsibilities of the Private Sector Housing Team: what powers of enforcement they have at their disposal and an understanding of how they put the child at the centre of the work they undertake.

The ideas and initiatives Dudley could utilise to develop healthy High Streets and provide advice on whether fast-food delivery organisations require a special license to deliver food.

That Public Health undertake research and benchmark with other Authorities in relation to the Car Free Streets Scheme and provide a report outlining the advantages and disadvantages.

That a further report to review the data and progress made in relation to the Mental Health needs and support for children and young people, be submitted to the Children and Young Peoples Scrutiny Committee in 12 months.

Care Leavers accommodation and issues relating thereto.

- (4) That the Director of Children's Services considers the request to submit reports to the Committee on a half yearly basis in relation to Special Educational Needs and Disabilities and the Corporate Quarterly Performance Management reports.
- (5) That the Democratic Services Officer forward to Councillor R Body the Dudley Virtual School – Summary of Annual Report 2021/22 that was considered by the Committee on 19th January 2023.

57. **Questions from Members to the Chair under (Council Procedure Rule 11.8)**

Question

Councillor C Bayton - I am sure you will be aware of the Ofsted proposals for supported accommodation for care leavers in that they will be required to be Ofsted registered and then as part of that registration there will be a number of requirements that the provider will have to adhere to, increasing the cost of the placement and also changing the ethos of semi supported housing. Now, I fully accept and understand why Ofsted are

looking to bring in measures as for too long we have asked the most vulnerable youngsters in our society to live in the most risky of situations, however these proposals will have the unintended consequence of impacting on the good provision locally we have used for many years. I have attached the Chartered Institute of Housing (CHI) response to the DFE consultation to give additional context to this correspondence.

From a governance perspective i believe it is likely to become law by April 2023 and implemented by Autumn 2023, and this scrutiny committee need to understand the impact for our care leavers if accommodation is withdrawn and the budgetary impact of costs have to significantly rise.

So I am asking that the Director of Children's Services shares the following with this committee:

1. The planning that the authority has undertaken so far on this Ofsted/DFE proposal.
2. The anticipated additional budgetary costs involved and how these will be met.
3. What representation this authority has made to Government on these proposals
4. For a paper detailing this issue to be tabled in the next municipal year's scrutiny programme.

Response

Supported accommodation

1. The planning that the authority has undertaken so far on this Ofsted/DFE proposal.

We recognised at an early stage the need to prepare and support our provider market in anticipation of regulation. Through our existing quality assurance processes we have always expected and held providers to account through a high support, high challenge approach that mirrors the restorative practice model within Children's Services. In this respect, providers supporting Dudley young people have experience of inspection and scrutiny. We have also developed tools/approaches to support providers and partners which will prepare them for a regulatory regime and enable them to feel more comfortable and confident in their ability to operate within a regulatory framework. Particular areas of innovation have included our partnership with the University of East London and St Christophers to co-produce with young people a Dudley Kite Mark for Supported Accommodation. Building on this partnership we have recently developed and rolled out an online training package for community policing

in Dudley focusing on supported accommodation including the shift to regulated provision. This has been received well and work is now underway to roll this out across West Midlands Police.

At a regional level activity is underway to engage and prepare the provider market for these changes. This work is being coordinated by the West Midlands Regional Commissioning Hub and Staffordshire County Council as the lead authority for the West Midlands Supported Accommodation Framework. Dudley Council Children's Commissioning are active contributors to this. An initial event was held in January 2023 with over 100 providers in attendance. A further regional event is planned for the 19th April with the intention to also hold some Dudley specific engagement activities commencing from May. We maintain close links with our local providers/RSLs supporting young people e.g. CHADD and YMCA with providers such as this waiting on the response from Government to the latest round of consultation before confirming their future intentions.

We have approached Supported Accommodation Providers, looking after Dudley children to establish whether they intend to register. So far, 90% have indicated that they intend to register with Ofsted.

2. Anticipated budgetary cost and how this will be met

The registration standards have not yet been published and none of our providers have indicated that they will increase their prices following registration. We continue to keep this under consideration in our discussions with providers.

The Council have allocated additional funding for costs of children in care for 2023/24 of £3.2m for all placements.

3. Representation to Government

We have been proactive in our response and representation to Government on this matter responding to the first national consultation on this issue in 2020, indicating support in principle for the proposals but with a strong desire to influence and shape the detail.

More recently Children's Commissioning has been pro-active in making contact with the DfE representatives leading on the implementation of this agenda. This has resulted in several meetings with DfE, to which Ofsted have also been invited. The Authority's Children's Commissioning are active members of the West Midlands Strategic Commissioning Network and have coordinated wider involvement of other West Midlands local authorities in these meetings including Staffordshire as the lead authority for

the West Midlands Supported Accommodation Framework.

These recent meetings with DfE have enabled us to gain insight into developments not yet in the public domain, including expected timescales for payments relating to additional grant funding and changes that may be set out in the DfE's response to the latest round of consultation, expected to be published at the end of March.

Via this interaction with DfE Dudley Council has also been approached to be a member of the national Steering Group for the Sector Awareness and Provider Preparedness activity, whereby DfE have appointed National Children's Bureau as the lead contractor for this work. This will again ensure that we are at the forefront of shaping developments and can transfer emerging learning and development back to the local context, working to support young people and our partner agencies/providers that deliver care and support services to them.

58. **Closing Remarks of the Chair**

This being the final meeting of the municipal year, the Chair thanked Members for their attendance and contributions to meetings and Officers for their continued support.

The meeting ended at 7.10pm

CHAIR

**Minutes of the Future Council Scrutiny Committee
Wednesday, 15th March, 2023 at 6.00 pm
In Conference Room 1, Saltwells Education and Development
Centre, Bowling Green Road, Netherton**

Present:

Councillor E Lawrence (Chair)
Councillor A Davies (Vice-Chair)
Councillors C Barnett, T Creed, P Dobb, J Foster, M Howard, I Kettle, A Lees
(from Minute No. 47), M Rogers, T Russon and P Sahota.

Officers:

H Martin (Director of Regeneration and Enterprise), K Jones (Director for Housing and Communities), C Blunn (Corporate Performance Manager), S Haycox (Corporate Performance Support) and K Taylor (Senior Democratic Services Officer).

Also in Attendance:

M Anderson (West Midlands Metro Projects Director – Transport for West Midlands) For Agenda Item No. 6.
Councillor D Stanley (Cabinet Member for Regeneration and Enterprise).

41 Apologies for Absence

Apologies for absence were received on behalf of Councillors S Ali and K Shakespeare.

42 Appointment of Substitute Member

It was noted that Councillor M Rogers had been appointed as substitute Member for Councillor K Shakespeare, for this meeting of the Committee only.

43 **Declarations of Interest**

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

44 **Minutes**

Resolved

That the minutes of the meeting held on 18th January, 2023 be approved as a correct record and signed.

45 **Public Forum**

No issues were raised under this agenda item.

46 **Change in Order of Business**

Pursuant to Council Procedure Rule 1(c), it was:-

Resolved

That Agenda Item No. 7 - Major Regeneration and Town Centre Projects (including Funding Agreements, Future Projects and Borough Wide Vision) be considered as the next item of business.

47 **Major Regeneration and Town Centre Projects (including Funding Agreements, Future Projects and Borough Wide Vision)**

A report of the Director of Regeneration and Enterprise was submitted on major regeneration projects in Dudley town centre, Brierley Hill and other town centre proposals and projects in development.

In presenting the report submitted, the Director of Regeneration and Enterprise gave a detailed overview on the status of the next phase of projects both in Dudley town centre and around the Borough, including the Dudley Interchange, Eton College and Brierley Hill Future High Street Fund Programme. It was noted that an update in relation to the Wednesbury to Brierley Hill Metro Extension would be presented under Agenda Item No. 6.

Reference was made to the four Levelling Up Bids submitted in August, 2022 which had been unsuccessful, however it had since been confirmed that there would be a third round for Levelling Up Bids. Further details of the criteria and timelines had not yet been provided. It was anticipated that the Local Authority would submit one or more bids in the next round with focus primarily given on areas including economic development.

Members asked questions, made comments and responses were given, where appropriate, as follows:-

- a) Councillor P Dobb shared his concerns of the proposed relocation of the bus stops within Dudley Town Centre to Tower Street and Coronation Gardens during the construction programme of the Dudley Interchange and subsequent road closures, and the potential impact this could cause to the existing traffic congestion already experienced in that area.

In responding, the Director of Regeneration and Enterprise acknowledged the concerns raised and agreed to refer comments back to Transport and Highways accordingly. The viability of Town Centres remained a priority for the Local Authority with support given and work undertaken to external projects, however it was acknowledged that any major works undertaken would cause some disruption. A number of options were available when developing programmes including implementing varied timescales in order to mitigate any disruption where possible.

- b) Councillor J Foster referred to the proposed Eton College academic sixth form college located within Dudley and queried the purpose as to why it had been included as part of the Levelling Up Agenda and raised concerns that the small cohort of Dudley children that would attend may then leave the authority to seek further opportunities.

The Director of Regeneration and Enterprise referred to the challenges faced in retaining qualified and skilled Dudley residents, and that this area had formed part of regeneration projects by enabling Dudley residents to achieve a master's degree qualification within the Borough and prioritising the need to improve higher skilled employment opportunities.

- c) In responding to a question raised by Councillor I Kettle in relation to the delays experienced with regard to the properties at Castle Hill, Dudley in order to progress with the Health Innovation Dudley project, the Director of Regeneration and Enterprise referred to the extensive discussions undertaken with the owners of the properties regarding acquisition and the statutory process required by the Local Authority before the serving of a Compulsory Purchase Order. Members were advised that during the initial phase of the project, two scenarios had been developed taking into account a mutually agreed sale of the properties, and the Council using their Compulsory Purchase Order powers. The time difference between these two scenarios was 12-18 months.
- d) Councillor I Kettle referred to the Levelling Up Bid submitted for Stourbridge and the proposed conversion of the bypass in Lye to a two-way traffic system and considered that the surrounding roads were too narrow to support 2-way traffic effectively.

The Director of Regeneration and Enterprise confirmed that the Levelling Up Bid for Stourbridge had focussed primarily on the development of Lye and that some areas of Council owned land could be widened to support the proposed conversion, however further consideration would be given to the comments raised.

- e) In responding to a further question raised by Councillor I Kettle, the Director of Regeneration and Enterprise undertook to provide a written response in relation to the impact to the number of funding opportunities available following the recent announcement of the £1 billion Devolution Deal to the West Midlands.
- f) It was confirmed that the business plan for the University Centre at Castle Hill proposed a smaller building than the building that had been granted planning permission in order to mitigate the cost increases to construction projects since the original submission in January, 2021. It was intended that further discussions would be undertaken in 2023/24 with the Alliance Board in order to drive out efficiencies and bridge the funding gap.
- g) In responding to a question raised by Councillor P Sahota in relation to an alternative use of the land should the proposed Eton College not be successful, the Director of Regeneration and Enterprise stated that the area had been confirmed as an opportunity site and further consideration would be given to the potential future usage in the event that Dudley had not been confirmed as a location for one of the Eton College sites.

- h) Councillor P Sahota raised a further question in relation to the relocation of the Farmfoods premises in St Joseph Street, Dudley as a result of the Dudley Interchange Project, and whether there was opportunity for the premises to be relocated to other areas including the Portersfield Development.

In responding, the Director of Regeneration and Enterprise confirmed that the Local Authority had supported the business and had identified and suggested possible locations for consideration without success. Further consideration could be given to a mixed-used residential development at Portersfield.

- i) Councillor P Sahota referred to the exclusivity agreement awarded to the vacant site of the former Dudley Leisure Centre in Wellington Road, Dudley, and questioned whether the Local Authority had considered sufficient parking availability to ensure that any further development would be sustainable.

The Director of Regeneration and Enterprise confirmed that the Local Authority had currently only awarded one exclusivity agreement (Wellington Road), which provided the opportunity for the developer to undertake due diligence checks. The Agreement would cease in early March, 2023 in which a decision would be made as to whether to market the site for disposal. It was noted that surveys undertaken during this period had been subsidised by the developer. With regard to parking, it was confirmed that during pre-application discussions, an agreement had not been reached, however further consideration could be undertaken by the developer during the acquisition of the site and consultation process.

- j) Following the announcement of a third round for Levelling Up Bids, Councillor P Sahota queried how the Local Authority would champion the bids and consider outcomes, and assurance was sought that officers would ensure that bids were effective and would focus on developing deprived areas throughout the Borough.

In responding, the Director of Regeneration and Enterprise reiterated that the Local Authority would only submit one or two bids in the next round with particular focus on support for economic development alongside a framework on how this could be achieved.

- k) The Chair emphasised the need for the Local Authority to monitor and support regeneration in smaller communities and centres. In responding, the Director of Regeneration and Enterprise acknowledged the comments made, however reference was made to the resource pressures within the Local Authority, and it was anticipated that masterplan proposals would be developed each year to include both strategic and local sites.
- l) In responding to a question raised by Councillor T Russon, the Director of Regeneration and Enterprise undertook to investigate historic proposals in relation to the Colley Gate bypass.

(At this juncture, Councillor J Foster withdrew from the remainder of the meeting and Councillor A Lees joined the meeting).

- m) The Director of Regeneration and Enterprise undertook to provide a written response to a question raised by Councillor C Barnett in relation to measures considered by the Local Authority for sustainable connectivity and active travel across the Borough and whether there were any plans to improve the Pensnett to Wolverhampton Railway Path.
- n) Councillor A Davies sought clarification as to the reasons why the development brief for the vacant site at Wellington Road, Dudley had been prepared for a medium density housing scheme rather than a high scheme.

In responding, the Director of Regeneration and Enterprise stated that an average density for housing development consisted of 40 dwellings per hectare, and it was considered that medium density was appropriate for the Wellington Road site, in view of the existing and variety of properties within the locality. The number and type of properties however, would be determined by the developer once agreed.

- o) Councillor A Davies made further reference to the Levelling Up Bid for Stourbridge and the leveraging opportunity to bring forward four key parcels of land for housing development, which was not referred to in the report, amongst four regeneration opportunities under projects in development or proposed in Lye.

The Director of Regeneration and Enterprise confirmed that the four regeneration opportunities were strategic interventions that could guide investment and identify further development opportunities within the area.

- p) Reference was made to the Devolution Deal in the West Midlands and whether there were any implications for Dudley in particular in relation to 'Levelling Up Zones'. It was anticipated that the 'Levelling Up Zones' would benefit from enhanced and targeted fiscal measures, with the Dudley Metro Corridor being a possibility. Further consideration would be required by the Local Authority to determine the most suitable measures.

The Cabinet Member for Regeneration and Enterprise welcomed and acknowledged comments made, in particular, in relation to the potential impact to traffic congestion within the Dudley Town Centre following the proposed relocation of bus stops within the Town Centre to Tower Street and Coronation Gardens during the construction programme of the Dudley Interchange. Although some disruption was inevitable, the potential investment opportunities to the area was emphasised.

Resolved

- (1) That the update on the major regeneration projects in Dudley town centre, Brierley Hill and other town centre proposals and projects in development, be noted.
- (2) That the Director of Regeneration and Enterprise be requested to provide responses to queries raised in relation to:
 - (i) Temporary relocation of Dudley Town Centre Bus Stops during the Dudley Interchange construction works;
 - (ii) Proposals to convert Lye By-Pass to a two-way road.
 - (iii) The impact to the number of funding opportunities available following the recent announcement of the Devolution Deal to the West Midlands;
 - (iv) Sustainable connectivity and active travel throughout the Borough;
 - (v) Improvement works to the Pensnett to Wolverhampton Path;
 - (vi) Colley Gate By-Pass.

48 Wednesbury to Brierley Hill Metro Extension Presentation

Members received a presentation by M Anderson (West Midlands Metro Projects Director – Transport for West Midlands) on progress with the delivery of the Wednesbury to Brierley Hill Metro Extension (WBHE).

It was reported that the delivery of the WBHE had been split into two phases with main construction works ongoing as part of the first phase, with some works undertaken in strengthening and refurbishing the Parkhead Viaduct as part of the second phase.

A high level schedule outlined key works that were now completed and those that were ongoing, which included Castle Hill, Dudley, which had since been reopened to traffic in both directions, completion of Flood Street carriageway and all structures either refurbished or structural works close to completion. It was anticipated that the WBHE would be open to passenger service by Autumn 2024.

The West Midlands Metro Projects Director confirmed that a costing of £449m was accepted by the Transport for West Midlands, based on preliminary designs from Midland Metro Alliance, however in December, 2021, the West Midlands Combined Authority Finance had identified pressures on the funding model which put into question the viability of the model. The three drivers for the pressures predominately related to the cost of construction and subsequent inflation, an increase in operating costs including power supply costs, and reduction in revenue receipts from reduced Metro operation during the Covid pandemic. This had led to a decision by the West Midlands Combined Authority Board to separate the project into two phases.

An overview of the ongoing work during Phase 1 was outlined which included laying the track on the corridor and further consideration would be needed to ensure safe drainage of waste into the Canal on route. Assurance was given that delivering the full WBHE scheme remained a key commitment for Transport for West Midlands. It was noted that discussions were ongoing with Dudley MBC colleagues in identifying funding solutions to enable the delivery of the second phase of the project.

Members were informed of the Government's announcement of the region's Trailblazer Devolution Deal and subsequent additional funding of £60m which would be utilised as a springboard to secure the remaining funding needed to build and open the section of the route between Dudley and Brierley Hill. This provided a great opportunity in delivering phase two.

Reference was made to a possible Phase 2A which would deliver tram operations to Waterfront or Merry Hill Centre, however further consideration would need to be given as there was currently insufficient space for a turn back of the tram for a return journey.

Members asked questions, made comments and responses were given, where appropriate, as follows:-

- a) Councillor A Davies referred to the suggested Phase 2A and requested assurances that this was not being considered as an alternative to completing the full connection to Brierley Hill Town Centre.

In responding, M Anderson acknowledged the risks in progressing with Phase 2A, however should the additional funding only subsidise the delivery of 2A, this would be discussed further with the Local Authority. Further consideration would need to be given as to whether the Local Authority would be willing to postpone further works until additional funding was available in order to deliver the project in full.

In responding, Councillor A Davies acknowledged the difficulties and challenges faced however, reiterated that the priority was for the Metro Extension to be delivered within the Brierley Hill Town Centre which would further enhance the regeneration improvements being made, by delivering the project as previously agreed. He also queried whether the proposed technology college based in Brierley Hill would strengthen the bid moving forward.

M Anderson acknowledged comments made and considered that a new technology college in Brierley Hill could support the business case and requests for additional funding.

- b) Councillor I Kettle commented on the existing Metro facilities based in Birmingham and considered the Merry Hill Centre to be a fundamental asset to the Dudley Borough, however concerns were raised that a transport link to Birmingham could reduce footfall at the Merry Hill Centre. An update on the works completed to date against the agreed programme was also requested.

In responding, M Anderson acknowledged comments made and reported that a significant amount of groundwork had been completed but acknowledged that a large amount of work was still needed with critical works expected to finish mid-2024.

- c) Councillor C Barnett emphasised the importance of delivering the Metro extension to Brierley Hill Town Centre, and questioned why there had been no investment from the private sector including Merry Hill Centre despite the potential of delivering tram operations at the Centre. He also referred to the works undertaken at the Embankment near Merry Hill and loss of green space and queried why Merry Hill had been considered as a viable station.

In responding, M Anderson confirmed that the proposed station provided access and served the Waterfront, Merry Hill and Brierley Hill local area residents, businesses, retail and leisure facilities and was considered the most appropriate route.

The Director of Regeneration and Enterprise also emphasised the importance of connectivity between Town Centres and an accessible link between the Merry Hill Centre and Brierley Hill Town Centre. It was envisaged that accessible transport links could enhance further employment opportunities available at the Waterfront.

- d) Reference was made to a possible extension from Brierley Hill Town Centre to Stourbridge in the future.
- e) In responding to a question raised by Councillor P Sahota in relation to whether options route appraisals had been undertaken and completed during the planning process, M Anderson confirmed that a number of different routes and modes of transport had been considered during the early stages of the project and each stage had been analysed accordingly. Further analysis would be undertaken prior to the commencement of Phase 2.

The Cabinet Member for Regeneration and Enterprise referred to the Metro Extension between Birmingham and St George's, Wolverhampton, and commented that the WHBE Project focussed primarily on Brierley Hill Town Centre, and that other options such as Merry Hill and Stourbridge had only recently been considered viable. The refurbishment and restructuring works undertaken to the Parkhead Viaduct to enable the structure to be safe and useable was also welcomed.

The Chair, on behalf of the Scrutiny Committee, thanked M Anderson for the presentation and expressed the Committee's full support on the delivery of the full WBHE scheme to Brierley Hill Town Centre as given.

Resolved

That the progress on the delivery of the Wednesbury to Brierley Hill Metro Extension be noted.

A report of the Chief Executive was submitted on the Quarter 3 Corporate Quarterly Performance report covering the period 1st October to 31st December, 2022. Two Directorate Service Summary Documents had been appended to the report submitted, providing an overview of service delivery and achievements during the given quarter focusing on Digital, Customer and Commercial Services and Finance and Legal.

In presenting key information through presentation slides, the Corporate Performance Manager made particular reference to the thirteen performance indicators that were below target, as outlined in Appendix 1 of the report submitted. Corporate key performance measures were also reported against key actions aligned to the Council Plan priorities and the outcomes the Local Authority wanted to achieve for Dudley residents. It was reported that 277 actions had been identified by directorate against 59 key performance measures, with the Directorate of Environment containing the highest proportion of actions and performance measures due to the level of customer services they delivered across all elements of the new Council Plan.

It was noted that the overall annual trend for the collective key performance indicators had identified that sixteen measures had improved performance, two remained consistent, and seventeen highlighted a downward trend in comparison to the previous year. A detailed account of the performance indicators was outlined in the appendix to the report submitted.

Reference was made to the key activities that had taken place across directorates during Quarter 3, including awards and accreditations that had been achieved, including Customer Services targets being met in relation to call handling times for the first time in the past year.

It was noted that performance indicators in relation to sickness absence had seen an increase in days lost per full time equivalent and an increase in long-term sickness which predominately related to a continued increase in long-term absence for Work Related Stress and Post Operation Recovery. It was further noted that the main reason for short term absence continued to be Covid related. In responding to the measures, the Chief Executive had issued some benchmarking data to be reviewed across the Board and considered by each Directorate.

In responding to a question raised by the Chair in relation to Covid impacting sickness absence, the Corporate Performance Manager confirmed that Covid related absences were recorded and discounted from the Bradford Factor, however managers continued to use their discretion for discounting. Further consideration of these measures would be undertaken by the Strategic Executive Board in April, 2023.

Reference was made to PI. 2079 Number of Customer Complaints Received, and it was noted that the number of complaints received during the quarter had reduced to the lowest level for over two years. However, it was recognised that there had been an increase in complex complaints for both Adults and Childrens.

At this juncture, the Director of Housing and Communities was in attendance provide some narrative and respond to any questions in relation to Key Performance Indicators PI.2027 Satisfaction – way your anti-social behaviour complaint was handled and PI. 1899 Rent loss: % of potential rent receipts lost (dwellings).

The Director of Housing and Communities referred to the increasing levels of anti-social behaviour during the Covid-19 Pandemic and subsequent delays and the backlog in court cases, with the Anti-social Behaviour Team working extensively to clear the backlog of cases within the service area during 2022.

Following a prolonged period of low staffing resources due to sickness absence and vacant posts, Members were advised that the Team was now stabilised and were now focused on developing and improving service delivery, reviewing policies and procedures, partnership relationships, professional advice and assistance with IT systems to ensure continuous improvement of services and customer experience.

It was noted that the restructure of Housing Services to deliver the community housing vision was almost complete, which would increase resources to respond to and manage incidences of anti-social behaviour in homes and communities. It was expected that initially, the anti-social behaviour and community housing teams would be working collaboratively to develop a future model for managing anti-social behaviour and neighbour nuisance, with community housing officers dealing with day-to-day issues that arise on estates. The benefits of the proposed approach would ensure community housing officers dealt with estate complaints more proactively to prevent unnecessary escalations of low level complaints and trained anti-social behaviour officers having more time and resources to case manage more complex cases.

External independent support had been secured during 2023/2024 which would be used to undertake independent case reviews, to provide advice and training to the team, and to advise on any changes in policy and practice which would improve or enhance service delivery and outcomes.

It was expected that during 2023/2024, the Anti-Social Behaviour team would transfer from the Community Housing area of the Directorate to the Head of Community Safety, to further improve relationships with key partners such as the police, and provide the opportunity to expand the current remit of the service.

The challenges faced in improving the measures was acknowledged however, assurance was given of the improvements already made within the last six months and measures implemented.

With regard to rent loss and voids, a full review of voids was being undertaken in order to reduce void turnaround times, and associated void loss, and to improve customer satisfaction with the void process. The review included re-evaluating the end-to-end process to identify blockers and actions to speed up the process, and highlighted issues in the process for the return and handover of keys and improving the timescales for void clearances through performance management of contractors. Regular fortnightly Director-led cross team void meetings had been scheduled to action plan and report against progress on current voids.

Current void performance confirmed that there were 453 voids as at 28th February, 2023, of which 227 were available to let, together with 104 high costs voids, of which 40 were currently awaiting an investment decision. Members were advised that the average re-let time for standard voids as at the end of Quarter 3 for 2022/23 was 66 days compared to 81 days at the end of Quarter 3 for 2021/22.

It was noted that the next steps included continuing the voids review and monitoring the impact of actions on void turnaround time, and the corresponding impact on void loss; implementing revised processes to speed up disposals; reviewing how long term strategic voids were categorised, and reported upon and developing a new investment strategy based upon stock condition data.

At this juncture, Members asked questions, made comments in relation to the summary provided by the Director of Housing and Communities and responses were given where appropriate as follows: -

- a) Councillor I Kettle expressed concern at the number of void properties within the Borough which resulted in the significant total cumulative rent loss in Quarter 3 of £1,334,158.58, and queried whether improvement works could be sub-contracted to a number of void properties to reduce the turnaround time in order to mitigate the financial loss.

In responding, the Director of Housing and Communities indicated that managing void properties was a complex matter. Whilst some void properties were re-let promptly, a number of properties required significant improvement work to bring them to modern day standard prior to re-let. It was acknowledged that some void properties were empty for longer periods than was necessary. Improvement work around voids was currently being carried out and improved figures would be observed moving forward. It was evident that some delays to re-letting properties was due to delays caused by contractors in removing rubbish, and that it was clear the Local Authority needed to ensure tenants understood their responsibilities in leaving properties in a clean and tidy manner in order to accelerate the process moving forward.

- b) In responding to a question raised by Councillor C Barnett in relation to project management and delays, the Director of Housing and Communities referred to the need to review existing Information Technology systems that were utilised that were not currently synchronised. An overview of the work undertaken once a property was vacant was mentioned including assessments of electrics and repairs, advertising, and shortlisting. Assurance was given that improvements were being made to the number of days taken to re-let properties.
- c) Councillor A Davies referred to a previous funding bid for Community Improvement undertaken two years previous, in particular that the consultation paper indicated that responses were not required should residents support the proposals, however the lack of response was determined insufficient and subsequently no further action had been taken. An update was requested as to whether improvements had been made in relation to consultations in order to prevent any delays in securing funding.

In responding, the Director of Housing and Communities provided an overview of the process undertaken before Covid-19 and confirmed that she would commence discussions to reinvigorate the process again. Reference was made to significant financial pressures within the Housing Revenue Account and insufficient resources throughout the Directorate. She apologised for the time taken in addressing the Community Improvement Bid mentioned and undertook to review further.

- d) Councillor P Sahota acknowledged comments made in relation to the improvements suggested and implemented however, considered that the evidence of this would not be available for at least a further six months. He expressed concern of the significant loss in rental income and queried whether the key performance indicators in relation to this area was challenging.

The Director of Housing and Communities acknowledged the comments made and assured Members that improvements were being made. Priority would be given to strengthening policies and procedures with focus given to being more proactive moving forward.

- e) The Cabinet Member for Regeneration and Enterprise queried why articles such as carpets and household appliances that were in good condition could not remain in properties for new tenants in particular those that were vulnerable.

It was confirmed that void standards would be considered as part of the review and reference was made to the discussions undertaken with Providence House Charity with the potential assessment of any items that could be reused for people in need. It was noted that carpets would historically be removed and destroyed due to fire safety concerns.

Councillor I Kettle suggested that the wording 'optional' be included in new tenant agreements for the opportunity to retain any articles that remained in the property if considered acceptable and safe to use.

The Corporate Performance Manager then continued her presentation in relation to corporate performance and in doing so provided a summary of the Quarter 3 service highlights. Reference was made to the Directorate plans that were reviewed each year to update any service information to reflect changes made during the year and ensure that they continued to meet the current council plan priorities and that actions and performance indicators were correctly aligned to council plan priorities and outcomes. It was noted that corporate measures would be considered by the Strategic Executive Board in April, 2023.

Members were advised that training for Elected Members in relation to Corporate Performance was now available on the Members Portal, including videos in relation to the process and reporting in Dudley, Dudley's Corporate Performance Framework and Local Government Association resources.

Members then asked questions and made comments in relation to the presentation provided by the Corporate Performance Manager and responses were given where appropriate as follows: -

- a) Councillor A Lees, in his role as Chair of Audit and Standards Committee, shared his concern of the lack of correlation between the corporate performance management reports and annual audit reports presented to the Audit and Standards Committee, and that he would discuss further with the Head of Audit Services regarding correlating information between directorates. The Corporate Performance Manager also agreed to discuss further with the Head of Audit Services.
- b) Councillor P Sahota expressed serious concerns regarding the key performance indicators and again queried whether they were challenging and benchmarked against other local authorities. He considered that the performance indicators aligned incorrectly to the council plan priorities, in particular, querying the rationale as to why performance measures, such as safer routes to schools, was associated within the Borough of opportunity and customer complaints within Borough of ambition and enterprise. He suggested that in terms of ambition and enterprise, this should refer specifically to areas such as regeneration projects. He further suggested that there was insufficient narrative contained within the report to explain the reasons for performance indicators repeatedly being below target.
- c) Councillor P Sahota made specific reference to Pl. 324 No. incidents of fly-tipping and suggested that the increase in the number of fly-tipping incidents could have been attributed to the closure of Anchor Lane Tip and was shocked to see that no target had been set, and queried whether there had been any benefit to the Local Authority following the closure of the service given the financial impact of implementing a pop-up tip service. He considered that all Local Authorities were duty bound in ensuring value for money and suggested that key performance indicators should be reviewed by external auditors. Councillor P Sahota stated that he would e-mail his concerns to the Chief Executive.

The Corporate Performance Manager acknowledged the concerns raised and confirmed that although the Chief Executive considered and approved key performance indicators, it was the role of the Corporate Performance Team, in conjunction with performance leads within directorates, to challenge targets and assess whether they were focused, achievable and aligned with the council plan priorities and outcomes. It was further confirmed that the Chief Executive and Directors were currently reviewing placement of performance indicators in relation to sickness absence and customer complaints.

- d) At this juncture, the Chair reminded the Scrutiny Committee that any issues arising from the Quarterly Performance Report that were within the remit of another Scrutiny Committee could be recommended to consider further as part of their annual scrutiny programme.
- e) In responding to comments made, Councillor A Lees suggested that the future reporting of the Quarterly Corporate Performance Report be considered at the first meeting of the Municipal Year by the Future Council Scrutiny Committee. Councillor A Davies further emphasised the importance of the Scrutiny Committee focusing on matters that were within the remit of this Committee.

Following further discussion, the Committee suggested that the Housing and Public Realm Scrutiny Committee be recommended to consider the key performance indicators in relation to fly-tipping as part of their annual scrutiny programme.

Resolved

- (1) That the Quarter 1 Corporate Quarterly Performance report covering the period 1st April to 30th June, 2022, be noted.
- (2) That the future reporting of the Quarterly Corporate Performance Report be considered at the first meeting of the Municipal Year by the Future Council Scrutiny Committee
- (3) That the Housing and Public Realm Scrutiny Committee be recommended to consider the key performance indicators in relation to fly-tipping as part of their annual scrutiny programme.

50 Future Council Scrutiny Progress Tracker and Future Business

Resolved

That the Future Council Scrutiny Progress Tracker and Future Business, as outlined in the report, be noted.

60 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 9.00pm

CHAIR

**Minutes of the Appeals Committee
Wednesday, 1st February 2023 at 10.00pm
In Committee Room 4, The Council House**

Present:

Councillor T Westwood (Chair)
Councillor S Henley (Vice-Chair)
Councillors S Greenaway, A Goddard and S Mughal

Officers:

K Jesson (Human Resources (HR) Delivery Manager - Business Partnering and Intelligence), K Weekes (Solicitor) and K Buckle (Democratic Services Officer)

Also in attendance:

N McGurk (Head of Traffic, Transportation and Engineering Services
and R Harris (Human Resources Specialist
GG Trade Union Representative

68. **Apologies for Absence**

There were no apologies for absence.

69. **Appointment of Substitute Members**

There were no substitute Members appointed for this meeting of the Committee.



70. **Declarations of Interest**

No Members made a declaration of interest under the Members' Code of Conduct.

71. **Minutes**

Resolved

That the minutes of the meeting held on 18th November 2022, be confirmed as a correct record and signed.

72. **Questions under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

73. **Exclusion of the Public**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individual(s) as defined in Part I of Schedule 12A to the Local Government Act, 1972, as amended.

74. **Appeal by SB**

In accordance with the Council's Employee Improvement and Disciplinary Procedure, the Committee considered the appeal of SB against the dismissal from the employment of the Council.

The Chair welcomed those present, and all parties introduced themselves.

The appellant was not in attendance at the meeting however their Trade Union Representative was.

Following introductions, the HR Delivery Manager (Business Partnering and Intelligence) explained the procedure and sought clarification on the statement of facts. GB advised that SB was not in agreement with the statement of facts, however he was unsure on what basis as he had not received any instructions from SB. GB did confirm, however,

that from his perspective the statement of facts were a clear reflection of events.

Both parties confirmed that there were no witnesses from either side.

GB advised that the appellant would not be attending the hearing and provided the reasons why based on a text message that he had received from SB at 2.44am that morning. GB stated that due to the lack of instruction from SB, he would not be in a position to represent SB on his behalf and would, therefore, be withdrawing as his representative.

There followed a short adjournment in order for the Committee to determine whether the appeal would be heard in the appellant's absence.

The meeting was reconvened, and the Chair advised those present that the hearing would be held in the appellant's absence. GB then withdrew from the meeting.

Following the presentation of the Councils case, Members of the Committee were given the opportunity to ask questions.

All parties then withdrew from the meeting to allow the Committee to consider their decision.

Following deliberations, and after careful consideration of all the available evidence, written and verbal representations provided at the meeting, it was: -

Resolved

- (1) That the appeal of SB be dismissed and the decision to terminate the contract of employment on the grounds of gross misconduct be upheld.
- (2) That the Lead for Law and Governance advise the appellant of the decision of the Appeals Committee in writing within two working days.

The meeting ended at 10.50pm

CHAIR

**Minutes of the Appeals Committee
Wednesday 15th February, 2023 at 10.00 am
in Committee Room 4 at the Council House, Dudley**

Present:

Councillor T Westwood (Chair)
Councillor S Henley and S Greenaway

Officers:

J Afford – Transport Manager (Directorate of Children's Services) and
K Malpass – Democratic Services Officer (Directorate of Finance and Legal).

75 Apologies for Absence

There were no apologies received for this meeting of the Committee.

76 Appointment of Substitute Members

There were no substitute Members appointed for this meeting of the Committee.

77 Declarations of Interest

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

78 Minutes

Resolved

That the minutes of the meetings held on 5th 12th and 19th October, 2022, be approved as correct records and signed.

79 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8

80 **Exclusion of the Public**

Resolved

That the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information relating to any individual(s) as defined in Part I of Schedule 12A to the Local Government Act, 1972, as amended.

81 **Home to School and Post 16 Home to School/College Transport Appeal – RJD**

A report of the Director of Children's Services was submitted on an appeal relating to Home to School Transport.

Resolved

- (1) That, following careful consideration of the information and representations made by all parties, the Committee determined that the appeal for RJD be refused for the reasons set out in the report submitted.
 - (2) That the parties be informed of the decision of the Committee in writing within five working days.
-

82 **Home to School and Post 16 Home to School/College Transport Appeal – RJTD**

A report of the Director of Children's Services was submitted on an appeal relating to Home to school transport.

Resolved

- (1) That, following careful consideration of the information and representations made by all parties, the appeal for RJTD be upheld and home to school transport be provided for the remainder of RJTD's education at the current provision.
- (2) That the parties be informed of the decision of the Committee in writing within five working days.

The meeting ended at 10.45am.

CHAIR

**Minutes of the Audit and Standards Committee
Monday 13th February, 2023 at 6.00pm
At Dudley Town Hall**

Present:

Councillor A Lees (Chair)

Councillor D Borley (Vice-Chair)

Councillors S Ali, P Atkins, J Cowell, M Evans, J Martin and A Taylor.

Officers:

I Newman (Director of Finance and Legal), M Farooq (Lead for Law and Governance (Monitoring Officer)), G Harrison (Head of Audit and Risk Management), R Cooper (Head of Financial Services), L Jones-Moore (Finance Manager), J McGregor (Senior Principal Accountant) and H Mills (Senior Democratic Services Officer)

Also in Attendance:

M Stocks (Grant Thornton External Auditor) – for agenda item no. 4

N Bridger (Senior Manager HR Delivery and Intelligence) – for agenda item no. 9

M Bowsher (Director of Adult Social Care), M Spittle (Head of Access and Prevention), J Wood (Interim Service Manager) – for agenda item no. 10

37 Apology for Absence

An apology for absence from the meeting was submitted on behalf of Councillor E Lawrence.

38 Appointment of Substitute Member

There were no substitute Members appointed for this meeting of the Committee.

39 **Declarations of Interest**

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

40 **Change in order of business**

Pursuant to Council Procedure Rule 13(c), it was

Resolved

That the order of business be varied and that the agenda items be considered in the order set out in the minutes below.

41 **Treasury Management**

Members considered a report of the Director of Finance and Legal outlining the treasury activity in the year 2022/23 up to the end of December 2022 and seeking approval of the Treasury Strategy Statement 2023/24.

The Director of Finance and Legal presented the report, referring Members to paragraphs of specific importance. In referring to paragraph 5 of the report it was indicated that the Treasury Management Activity, administered on behalf of West Midlands Debt Administration Fund, would be completed by 2026.

In referring to the Treasury Activity 2022/23 – Dudley Fund, as outlined in paragraphs 10 to 14 of the report submitted, it was commented that Dudley's investments up to 5th January, 2023, equated to £22.5 million, with an average return of 1.15%. A further five loans had been taken out during 2022/23, some of which had slightly higher interest rates. It was acknowledged that at the beginning of the 2022/23 financial year, the economic environment was significantly different to the current situation.

It was reported that moving forward it was likely that there would be a further need to borrow funds and interest rates would continue to be monitored closely. It was the intention to continue with the low-risk approach, securing funds, with returns on investment being a secondary consideration.

Arising from a question raised by Councillor S Ali with regard to providing a background for the purpose of the three loans obtained during January, as well as background in relation to where the Authority's investments were located, the Director of Finance and Legal commented that the three loans were not directly linked to specific expenditure or any specific capital project and were for cash flow purposes. In referring to the Authority's investments, the Director of Finance and Legal referred to Appendix 1 to the report submitted and indicated that the vast majority of investment had been with the Debt Management Office and other financial institutions namely, Bank of Scotland, Santander, HSBC and Barclays. Members were assured that no investments were made with higher risk institutions such as merchant banks.

In responding to a question raised by Councillor A Taylor with regard to the reason for changing banks from HSBC to Lloyds PLC, it was confirmed that this had been as a result of a competitive tender exercise.

Resolved

- (1) That the Treasury Activities in 2022/23, as outlined in the report, be noted.
- (2) That the Treasury Strategy 2023/24, attached as Appendix 2 to the report submitted, be approved.
- (3) That the Director of Finance and Legal be authorised to effect such borrowings, repayments and investments as are appropriate and consistent with the approved Treasury Strategy and relevant guidance.
- (4) That the Director of Finance and Legal be authorised to update the prudential indicators, as detailed in Section 3 of Appendix 2 to the report submitted, prior to the submission of the report to full Council for approval.
- (5) That the report, and Appendices to the report, be submitted to full Council on 27th February, 2023 for approval.

42 External Audit Findings Report

A report of the Director of Finance and Legal was submitted to consider the external auditor's Audit Findings Report and formal Management Representation Letter to the Auditor.

M Stocks (Grant Thornton External Auditor) was in attendance at the meeting to present the report and in doing so indicated that the accounts presented were of a good standard, with the exception of property valuation. It was recognised that the valuation work had been outsourced by the local authority to address issues previously identified, however the external valuer was unable to meet the necessary deadlines and therefore continued to be an area of concern and a reflection of poor governance.

In referring to page 24 of the report submitted and in response to a question raised by Councillor J Cowell in relation to recommendation that the Council reviewed the related parties in the accounts as they did not fully meet the definition in the Code of Practice of Local Authority Accounting, M Stocks indicated that no significant issue had been identified. It was noted that there were a lot of ancillary disclosures but it was not considered a concern.

Arising from questions from Councillors S Ali and M Evans on whether there were any concerns for the Committee to be minded of moving forward and if adequate improvement in the land and buildings valuations had been attained, M Stocks commented that the statement was considered good except for the land and buildings valuation. However, it was considered unfortunate that there had been an issue with the contractor. It was envisaged that this would improve moving forward. It was noted that there would be a change in the incinerator contract in the future which the Committee may wish to look at the accounts for, as well as review the sustainability of the energy sales in the future.

Resolved

- (1) That the Audit Findings Report 2021/22 as set out in Appendix 1 to the report submitted, be noted.
- (2) That the Letter of Representation as set out in Appendix 2 to the report submitted, be noted.
- (3) That the Chair of the Audit and Standards Committee be authorised to sign and date the final version of the Letter of Representation.

43 Annual Report of the Committee on Standards in Public Life

Members considered an annual report of the Monitoring Officer on Standards in Public Life.

In presenting the report, the Monitoring Officer commented that the seven principles of public life applied to all that worked as a public officer holder, including West Midlands Police, the NHS and Parliament.

Reference was made to the review of the local government ethical standards, in particular the sanctions available to the Standards Sub-Committee following a complaint against an Elected Member. It was reported that the Government had not agreed to update or enhance the locally based standards regime in Local Government.

Arising from the presentation of the report, Members acknowledged the extensive time and work entailed in undertaking complaint investigations.

Resolved

That the Annual Report of the Committee on Standards in Public Life, be noted.

44 Questions Under Council Procedure Rule 11.8

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

45 Exclusion of the Public and Press

Resolved

That the public and press be excluded from the meeting for the following item of business, on the grounds of the likely disclosure of exempt information relating to any individual(s) and to the financial or business affairs of any particular person (including the authority holding that information) as defined under Part I of Schedule 12A to the Local Government Act 1972, as amended.

46 Suspensions under the provisions of the Employee Improvement and Disciplinary Procedure or relevant Schools Disciplinary Procedure

The Committee considered a report of the Chief Executive on the number of employees who were suspended pending an investigation into allegation(s) of gross misconduct during the period 1st October, 2021 to 30th September, 2022, inclusive.

In presenting the report, the Senior Manager HR Delivery and Intelligence advised that suspension would not be the first resort and temporary reassignment would be considered in the first instance whilst an investigation was undertaken. However, this would be dependent upon the nature of the allegation.

The number of suspensions for Council Directorates and Schools were outlined, together with the average length in working days of the suspensions and the subsequent outcomes. A conclusion of cases that were carried forward from the previous year were also outlined.

Arising from the presentation of the report, Members made comments and raised questions, which were responded to at the meeting.

Members suggested that information on key themes identified because of suspensions in any particular service area, and the learning and training provided, be included in future reports.

Resolved

- (1) That the information contained in the report submitted on Suspensions under the provisions of the Employee Improvement and Disciplinary Procedure or relevant Schools Disciplinary Procedure, be noted.
- (2) That information on key themes identified as a result of suspensions in any particular service area and the learning and training provided, be included in future reports.

47 Annual Audit report for the Chief Executive

A report of the Director of Finance and Legal was submitted summarising the audit work undertaken in relation to the Directors of Adult Social Care and Finance and Legal, who reported directly to the Chief Executive for the financial year 2021/22. Work that related to the other Directors and Assistant Director who also reported directly to the Chief Executive had been presented to the Committee in January, 2023.

In presenting the report, the Head of Audit Services advised that six assurance audits had been undertaken, of which three had received a negative assurance rating of either minimal or limited. It was noted that these ratings had been given due to either a critical action or a number of high priority actions being raised, which were detailed in Appendices 2 and 3 to the report submitted.

In addition to the assurance audit, four other areas of audit activity had been undertaken and in total 129 actions were raised. A full list of the audits, including the actions raised and assurance ratings were detailed in Appendix 1 to the report submitted.

Reference was made to the post-audit questionnaires issued on completion of an audit. All four questionnaires were returned, all of which stated they had received a very good or good service.

Arising from the presentation of the report, Members made comments and raised questions on individual audits, which were responded to at the meeting.

Members considered that the number of unimplemented actions identified within the report was unacceptable and referred to the lack of data and information provided in relation to actions, particularly those that were unimplemented. Reasons as to why actions had not been implemented, together with any progress, should be included in future reports.

Members noted the number of unimplemented or in progress actions in relation to the Children's Transport Team and the Interim Service Manager responded, giving his view of the context and resource issues. As the service would imminently be transferred to the Children's Services Directorate, the Committee suggested that a report on the work and progress of the service be included in the Children and Young People Scrutiny Committee Annual Scrutiny Programme.

In referring to Action ASC032, Members were of the view that this action had not been adequately addressed and therefore indicated that this should be redirected back to the Chief Executive.

Resolved

- (1) That the findings in respect of the 2021/22 audit work undertaken for those Directors (Adult Social Care and Finance and Legal) who report directly to the Chief Executive for the financial year 2021/22, be received and noted.
- (2) That Action ASC032 be redirected back to the Chief Executive for further consideration.
- (3) That the Children and Young People Scrutiny Committee be recommended to receive a report on the work and progress of the Children's Transport Team as part of their annual scrutiny programme.

48 **Audit Services Interim Performance Report**

The Committee considered an update report of the Director of Finance and Legal on the performance of Audit Services.

During deliberations Members indicated that a graphical trajectory table providing a five-year analysis would be useful to establish a level of assurance.

Resolved

- (1) That the information contained in the report, in respect of the performance of Audit Services, be noted.
- (2) That the Head of Audit Services to review the reporting format in terms of providing a trajectory table for a period of five years.

The meeting ended at 8.15pm

CHAIR

**Minutes of the Ernest Stevens Trusts Management Committee
Monday 30th January, 2023 at 6.00pm
in Dudley Town Hall, Dudley**

Present:

Councillor I Kettle (Chair)
Councillor A Hopwood (Vice-Chair)
Councillors D Borley, J Cowell, T Creed and T Crumpton

Co-opted Members

D Sparks (Friends of Stevens Park, Quarry Bank)

Officers:

M Bieganski (Strategy and Governance Section Manager), D Fildes (Parks Development Manager – Green Care), D Mcnaney (Senior Principal Accountant), R Tilley (Funding and Projects Manager – Green Care), M Wilcox (Principal Lawyer) and L Jury (Democratic Services Officer).

Also in attendance:

Three Members of the Public.
A representative from WeLoveCarers for agenda item nos. 8 and 9.

23 Apologies for Absence

An apology for absence were submitted on behalf of Mrs H Rogers.

24 Appointment of Substitute Members

There were no substitute Members appointed for this meeting of the Committee.

25 Declarations of Interest

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

26 **Minutes**

Resolved

That the minutes of the meetings held on 24th October, 2022 be approved as a correct record and signed.

27 **Change in order of Business**

Pursuant to Council Procedure Rule 13 (c) it was:

Resolved

That the order of business be varied and that the agenda items be considered in the order set out in the minutes below.

28 **5g Mast Application – Wollescote Park – verbal update**

The Strategy and Governance Section Manager gave an update on the situation with regards to a planning application, and in doing so, advised that Corporate Landlords had been involved in discussions with Cornerstone for the grant of a lease for a 5g mast to be erected in Wollescote Park, and it was noted that it had been emphasised that negotiations were still subject to Charity Commission approval for the grant of the lease.

The Chair commented on a further application that had been received to install another mast in Pedmore, Stourbridge and referred to the number of masts already in-situ in the Pedmore area.

Councillor Crumpton made reference to an email that he had submitted, as set out on page 14 of the agenda, in relation to his opposition to the erection of a mast in the park and requested a full briefing on the negotiations that were being undertaken with the Council and Cornerstone, as although a rental of £700 per year had been proposed together with a compensation payment towards the costs to the Council in dealing with the issue, no further information had been submitted in regard to issues such as the lopping of trees in the park, which appeared to be within the gift of the company who took on the lease. It was requested that discussions be held with the company to consider how to best preserve the area of park land in question, due to issues such as the installation of cabling that may be required and whether this would be below or above the ground and the impact this may have on the area. Clarification was sought on the discussions that the Committee as Trustees needed to undertake with the Charity Commission, and the need to strongly express the Committee's views on the application and likely impact on the park.

In response the Strategy and Governance Section Manager advised that the lease was a code lease and would set out the terms for the Council, stating the company's rights. The negotiations would focus on the rent, noting that the proposed figure of £700 per year may not be the figure accepted. Reference was also made to the compensation payment to the Council which the company assumed would 'fast-track' the agreement, however, assurance was given to Members that this would not be the case as the Charity Commission would need to sign-off on the agreement. In response to the issue raised in relation to the felling/lopping of tress, the Strategy and Governance Section Manager advised that the application had not included such issues.

Arising from the presentation, the Chair requested that the Strategy and Governance Section Manager submit a further report to the next meeting to update the Committee on any developments.

Resolved

- (1) That the report submitted on an application for the installation of a 5g mast in Wollescote Park, be noted.
- (2) That the Strategy and Governance Section Manager submit and report to the next meeting of the Committee updating Members on any further developments.

Mr and Mrs Bloomer were in attendance at the meeting and requested to address the Committee with regard to a Traffic Regulation Order.

Mrs Bloomer, Secretary of the Friends of Homer Hill Park, addressed the Committee raising concerns in relation to a proposal to install yellow lines to prohibit parking on Benjamin Drive, Homer Hill Park. Mrs Bloomer questioned the validity of the outcome of the public consultation that had been undertaken as she believed that insufficient publicity had taken place. She also questioned the validity of the decision that had been made as a result of the consultation as she believed that the decision had been based on a factual error in that Green Care, who had requested that the lines be installed to enable them to maintain the road, were not responsible for road maintenance. Reference was made to previous emails that had been submitted in relation to the responsibility of maintenance of the road over many years.

Concern was raised that should parking be prohibited on the road, acknowledging the already insufficient parking availability, the many football teams that attend the park and other park users such as dog walkers, would not be able to use the park. It was believed that Green Care officers would not be affected by park users parking on the road as the majority of the use took place on evenings and weekends when maintenance was not being undertaken.

Councillor T Crumpton advised that he was aware of this issue, as a Ward Member, and echoed the concern raised by Mrs Bloomer in relation to the popularity of the park and the problems that would be experienced if the prohibition was put in place, and proposed that the Committee, as Trustees, request that no further action be taken in relation to the installation of yellow lines on Benjamin Drive until the Committee had received further details.

Arising from the presentation, the Chair requested that the Parks Development Manager – Green Care investigate the issue raised by Mrs Bloomer and respond directly to her with a copy of the correspondence to be circulated to the Committee.

Resolved

That all correspondence set to the resident in relation to the concern raised, be forwarded to Committee Members.

The Committee considered a report of the Head of Neighbourhood Services on the development of changes to the lease for Tintern House since the agreed Heads of Terms on 16th July 2018.

The Funding and Projects Manager – Green Care presented the report, and in doing so, made reference to the July 2022 meeting of the ESTMC, the minutes of which were attached to the report as Appendix 1, where the Committee had agreed to proceed with the Emily Jordan Foundation Projects (EJFP) to agree and complete a 10 year lease, and on completion, Legal Services to contact the Charity Commission to request the grant of a 20 year lease, at the request of the EJFP.

It was advised that, subsequently, further discussions had taken place with EJFP to resolve outstanding issues. The outstanding issues with lease clauses were detailed in paragraphs 5 to 10 of the report submitted. It was noted that Corporate Landlord Services had included their recommendations in relation to the lease clauses, and stated that the Committee were requested to consider the option to operate on a commercial basis, or agree with the proposals from the EJFP and also consider whether the proposals submitted were within the best interests of the Council as the beneficiary, the Trustees, and the residents of the Borough.

In response, the Funding and Projects Manager – Green Care advised that to act as a commercial venture would not be in the spirit of the partnership agreement or the terms of the National Lottery grant.

Following the presentation of the report, Members asked questions, made comments and responses were provided, where appropriate, as follows:-

(a) **Fixtures and Fittings**

With regard to the funding responsibilities of the ESTMC for the café, the Funding and Projects Manager – Green Care confirmed that there was no requirement for any funding from the Tenant throughout the lifetime of the café or the lease. The Council and National Lottery grant had provided the fully fitted kitchen, but if any unfitted item expired during the lease, it was the café operator's responsibility to replace the item. It was confirmed that this would not include any items related to the commercially graded, stainless steel fitted kitchen. It was noted that the EJFP requested that if a decision was made for any reason to terminate the lease and exit the café, that approval be granted that any item that had been replaced by them could be removed by the café operator. It was noted that attached to the lease, would be an itinerary of items, which would include the serial numbers on each item that would clarify if the item was an original item or a replacement. This itinerary will also include what items were purchased by the Council and any items supplied by the Tenant for clarification purposes.

In response to a question raised in relation to the EJFP and the café operator, the Funding and Project Manager – Green Care advised that although it was omitted from the report, the café operator did pay a rent to the EJFP. In response, Legal Services advised that EJFP had not submitted evidence of the rent payment and it was requested that the rent agreement be submitted to Legal Services for information. The Principal Lawyer advised that the Heads of Terms did refer to a sub-lease and the Charity Commission had given consent to the lease and sub-lease. Concern was raised that the EJFP and the caterers had been in occupation for a sometime and negotiations were still being undertaken over the outstanding lease.

Concern was also raised that the recommendations the Committee were asked to consider, had not been clearly defined in the report specifically in relation to why the EJFP had been reluctant to sign the lease over many years, details in relation to the sub-letting to the caterers, and on other specific details.

It was noted that Legal Services and Corporate Landlord Services acted for the Council as Trustees and had put forward the best terms and conditions to protect the Council and were concerned that the proposals put forward by the EJFP diluted the protection to the Council. In response, the Funding and Project Manager – Green Care, reminded the Committee of the importance to work in partnership with charity providers.

Arising from the discussion held, the Committee:

Resolved

That the wording “any new non-fitted kitchen items that had been purchased by the sub-lease tenant, could be removed by the tenant on termination of the sub-lease,” be approved.

(b) **Tenant’s responsibility for the state and condition of the Property.**

In response to a question raised in relation to the condition the EJFP would accept, the Funding and Projects Manager – Green Care advised that the EJFP were willing to accept the wording “good repair and condition” in accordance with the terms of the National Lottery Heritage Grant and they believed that the condition recommended by Corporate Landlord Services did not take depreciation into account. The Strategy and Governance Section Manager referred to case law, stating that the wording “substantial repair and condition” would carry greater weight at the end of the term and would help protect the Council and the ESTMC by ensuring that the property be returned in the same condition that it was let.

Arising from the discussion held, the Committee:

Resolved

That the wording “must maintain the Property in good repair and condition,” be approved.

(c) **Outcomes**

In response to concerns raised in relation to how the outcomes were measured, the Funding and Projects Manager – Green Care, advised that EJFP submitted reports that were forwarded onto the National Lottery for consideration on a quarterly basis with regards to their outcomes. EJFP would be unwilling to accept the additional numerical values on the original agreed outcomes that Corporate Landlords Services were proposing.

Members commented that they were concerned that EJFP had not clearly demonstrated that they were fully engaging with the community and that community activities that had been undertaken had been organised by the Council and not the charity. D Sparks recognised the excellent work of the Community Development Officer (Green Care) in organising activities and it was proposed that the Funding and Projects Manager – Green Care, liaise with EJFP to stress the Council and the Committee's importance with regard to the outcome relating to community involvement, and that the EJFP needed to improve their community involvement in a positive way.

In response, the Funding and Projects Manager – Green Care reported that EJFP were developing projects and it was noted that Schools were now attending on a regular basis. It was anticipated that once a stronger financial position had been established, more community activities would be organised.

The Principal Lawyer reminded the Committee that the achievement of the outcomes by EJFP were in lieu of a market rent and that it could be added to the lease that outcomes could be reviewed on a regular basis between the Council and the EJFP, and if the outcomes were not being achieved, the Council could demand a commercial rent.

The Chair proposed that the Community Development Officer be invited to attend a future meeting of the Committee and present a report on engagement with the wider community.

Arising from the discussion held, the Committee:

Resolved

- (1) That the original outcomes, remain.
- (2) The Funding and Projects Manager – Green Care, liaise with EJFP in relation to improving community engagement and request that a report on this issue be submitted to a future meeting of the Committee for consideration.
- (3) That the Community Development Officer (Green Care) be invited to present a report to a future meeting of the Committee with regards to community engagement.

(d) **Rent review**

The Funding and Project Manager – Green Care made reference to paragraph 9 of the report in relation to a rent review and advised Members that within the heads of terms, there was not a rent review provision within the 10-year lease.

In response to Councillor' Creed's query as to how a review could be undertaken when no rent was received, the Principal Lawyer advised in relation to the 10-year lease, that the rent was paid in lieu of the charity's outcomes, as discussed previously in the meeting, however, should the outcomes not be being met, then a market rent could be requested or they could be requested to vacate the property.

The Strategy and Governance Section Manager advised that once a 10-year lease had been signed, Legal Services would contact the Charity Commission to request that a 20-year lease be granted at the request of the EJFP. Corporate Landlord Services proposed that if a 20-year lease be authorised, that included in the lease be a review of the rent in the 10th year and the Committee be given the opportunity to also reviewing the outcomes to ensure that the Committee were satisfied with both aspects.

In response, the Principal Lawyer referred Members to paragraph 3 of the report, which outlined the decision made by the Committee at their meeting on July 2022 in respect of granting the 20-year lease, and Members' attention was brought to the final sentence which stated that ".....apart from the term of years, for all other terms and conditions to be exactly the same as the 10-year lease."

Arising for the presentation of the report, the Committee:

Resolved

That the approval granted by the Committee at its July 2022 meeting, as set out in the report submitted, remain.

30 Mary Stevens Hospice, Hagley Road, Stourbridge – Lease Terms

A report of the Director of Regeneration and Enterprise was submitted in respect of Mary Stevens Hospice, Hagley Road, and the terms of their lease.

The Strategy and Governance Section Manager presented the report, and in doing so, advised that at the last meeting of the Committee, it had been requested that further details be submitted providing specific information relating to the terms of the lease for the hospice. Reference was made to paragraph 10 of the report which outlined that the terms of occupation that included the provision of a lease for 75 years, at a rent of £39,100 per year subject to a review every five years. The tenant paid a peppercorn rent on the basis that previously agreed outcomes were delivered, and those outcomes were delivered on a landlord basis. On reviewing the lease, it had emerged that the outcomes could be reviewed and changed, if appropriate, annually.

In response, the Chair made reference to a recent visit he had undertaken to the hospice and the exceptional quality of care shown to the patients by the staff at the hospice and the great service the hospice provided to the Borough's residents was acknowledged.

Resolved

That the report submitted regarding the terms of the lease for the Mary Stevens Hospice, be noted.

31 Mary Stevens Centre – Current occupation

The Committee received a report of the Director of Regeneration and Enterprise on the current occupation of Mary Stevens Centre, the terms of such occupation and the extent of unoccupied space within the centre and requested that the Committee advise Officers as to the way the Trust wished to proceed with further occupation requests.

The Strategy and Governance Section Manager presented the report, and in doing so, advised that at the last meeting, it had been requested that further details be submitted on the current occupiers and their basis of occupation, and it was noted that a representative of one of the tenant's currently in occupation in the property was in attendance at the meeting.

Referring to the existing tenant, it was noted that their outcomes were accepted in lieu of rent and as a result, no income had been generated to maintain or upgrade the property to meet modern day requirements. When work was required to update the property, reliance had been put on the existing tenants to raise funds to undertake the conversions. To address this issue, the Committee was requested to consider the proposal that going forward, only 50% of the rent would be accepted as tenants' outcomes, with the remaining 50% being funded to help develop a maintenance budget.

Arising from the presentation of the report, Councillor T Crumpton recognised the excellent work undertaken by the existing occupants and made reference to the complexities of the building and the problems experienced by the tenants with the short-term leases agreed that were seen as a barrier in certain circumstances to applying for funding. It was proposed that rather than requesting a 50% income from tenants in occupancy of the property, the Trust enter into more long-term agreements with the tenants to provide an opportunity for them to apply for funding.

The Chair raised concern with regard to a previous proposal that had been considered by the Committee from the Mary Stevens Hospice to convert the centre into a convalescent care facility which the Committee had agreed would not be viable for the property and surrounding site, and the hospice should be encouraged to investigate an alternative site for the facility should they wish to continue with their proposal. It was proposed that the Committee monitor this situation going forward.

Members agreed with the proposals put forward to liaise with tenants with regards to extending the period of their leases which would provide longer-term security to the tenants, which would encourage them to maintain or modernise the property and provide them with the opportunity to apply for funding to enhance the facilities and opportunities offered to the public.

Resolved

- (1) That the report submitted on the Mary Stevens Centre with regard to the current occupation and the terms of such occupation, and comments made by Members as stated above, be noted.
- (2) That Corporate Landlord Services liaise with the current occupants of the centre to discuss extending their lease period, where appropriate.
- (3) That any future proposals for the conversion of the centre by the Mary Stevens Hospice remain under review and any proposals for conversion be submitted to the Committee for consideration.

32 Parks Licensing Scheme

A report of the Head of Neighbourhood Services was submitted on proposals to manage Personal Trainers operating in Council owned Parks and Open Spaces.

The Parks Development Manager (Green Care) presented the report and, in doing so, advised that following the October meeting of the Committee where this issue had been considered, the Parks Development Team had been liaising with Legal Services to develop a protocol which had included researching the systems in operation in other metropolitan authorities across the country. It was noted that most authorities operated a permit system, rather than granting a lease to Personal Trainers, and it was the view of Officer's that this would be the most appropriate way to manage the situation going forward, and reference was made to paragraph 5 of the report which outlined a set of terms and conditions that were being drafted.

In conclusion, the Parks Development Manager (Green Care) advised that the application form would also be revised, alongside the terms and conditions, and a standard letter for each operator regarding the acceptance and approval of the booking would be developed. Once the documentation had been reviewed by Legal Services, a further report would be presented to the Committee for consideration and approval.

D Sparks welcomed the report and proposed that each Personal Trainer be requested to provide a Risk Assessment to be reviewed in the event of an accident, and that areas of the park be designated for the use of Personal Trainers and their customers and that they be made aware that they refrain from using areas not designated for that specific activity.

Councillor J Cowell referred to paragraph 4 of the report that made reference to ...*Council owned parks and open spaces* ... and requested that the documentation referred to Trust owned parks and open spaces where appropriate. It was also requested that the granting of permits be limited and reviewed to ensure that the activities being carried out by the Personal Trainers did not become a burden on other park users, that consideration be given to the introduction of 'quite days' where bookings in specific parks were not permitted on certain days, and that feedback or any complaints that had been received on activities that were being undertaken in the parks, be retained and reviewed when the request for the renewal of a permit be submitted.

In response, the Parks Development Manager (Green Care) advised that a map would be developed which would outline specific areas within the parks where the Personal Trainers would be allowed to undertake their activities. With regard to a review, it was noted that there was currently a twelve- month rolling programme in operation and it was proposed that all Trainers be reviewed in a financial year, and a report be submitted to the Committee for consideration on the activities of all operators within the parks and open spaces owned by the Trust. The limitation on the numbers of permits granted on each park was acknowledged.

In response to a question raised by the Vice-Chair in relation to safeguarding, the Parks Development Manager (Green Care) confirmed that all operators would need to complete an application form which would include the need for a Disclosure and Barring Services (DBS) check, safeguarding procedures already in operation would be undertaken should children be involved, Risk Assessments relating to their specific activity and risk assessments relating to the involvement of medical assistance, should an accident occur in the park, would also need to be submitted, and a check would be undertaken on appropriate qualifications of all operators before any permit was granted.

Resolved

- (1) That the report submitted on the parks licensing scheme, and comments made by Members as stated above, be noted.
 - (2) That a further report in relation to the scheme be submitted to a future meeting of the Committee for consideration.
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33 Questions Under Council Procure Rule 11.8

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 8.00pm.

CHAIR

**Minutes of the Licensing and Safety Committee
Wednesday 1st February, 2023 at 6.00 pm,
in Committee Room 2 at the Council House, Dudley**

Present:

Councillor J Clinton (Chair)

Councillors J Cowell, T Creed, P Drake, M Evans, S Greenaway, M Howard, A Taylor, and E Taylor.

Officers:

S Smith - Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm); R Clark – Solicitor, I Grosvenor – Finance Manager, and L Jury– Democratic Services Officer (Directorate of Finance and Legal).

4. Apologies for absence

Apologies for absence from the meeting were submitted on behalf of Councillors K Finch, P Miller and K Razzaq.

5. Appointment of Substitute Members

There were no substitute Members appointed for this meeting of the Committee.

6. Declarations of interest

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

7. Minutes

Resolved

That the minutes of the meeting held on 30th May, 2022, be approved as a correct record and signed.

8. **Revision of Licence Fees**

A report of the Interim Director of Public Realm was submitted to consider the revision of fees for licences and consents, other than those where the fees were imposed by statute in respect of liquor licensing, gambling machine permits and lotteries and amusements.

The Team Manager (Licensing and Waste Enforcement) presented the report referring Members to paragraphs of specific importance.

The Finance Manager was in attendance at the meeting and provided the Committee with a detailed breakdown of the budget for 2023/2024. Referring to paragraph 9 of the report, the Finance Manager advised that the budget for 2023/2024 had been set at £827,300 and a detailed breakdown of the cost of licence administration was presented. It was noted that for the first time in many years, the authority had a budget with no net surplus and the reason for this was reported.

The Finance Manager advised that the budget had increased by £98,600 or 13.5%, from the previous financial year, and the reason for the increase related to a number of issues which included the pay awards for licensing staff, particularly noting that a number of the licensing staff were employed at the lower end of the pay scales. The pay award for 2022/2023 and the anticipated pay award for 2023/2024, although yet to be confirmed, had been reflected in the estimated budget and equated to 8.2% of the 13.5% increase.

Salary regrades for some staff had also contributed to the increase together with a slight increase in contributions to the Local Government Pension Scheme. However, it was noted that National Insurance contributions had slightly decreased due to the 1.25% levy introduced last year but had been removed for this year. Other movements were also noted, including central establishment charges, and realigning overheads in the business support functions within Directorates, and a proportion of the executive support for Directors and the Deputy Chief Executive which had equated to around 3.6%. It was noted that this was not new spend, merely attributing the costs to the right service, and a consequence of this would result in delivering a breakeven budget for 2023/2024.

The Finance Manager advised that approximately 68% or £562,100 of the cost of licensing attribute to the administration of Hackney Carriage Licences with the remaining 32%, or £265,000, being attributed to all other licensing functions. £265,000 was also the budgeting income that was expected from the various sections, as outlined in paragraph 9, predominately being met from the Gambling Act and Liquor Licensing.

In conclusion, the Finance Manager advised that within the £265,000, £252,000 was statutory set, leaving only approximately £13,500 to increase fees, which would primarily be within the Street Trading Licences, Licensing Sex Shops, and a proportion of the Gambling Act Licences. It was advised that should the Committee be minded to consider increasing fees by 1% on the £13,500, this would equate to £135 increase in surplus, or £275 should a 2% increase be approved or if considering a 9.2% increase, this would equate to approximately £1,200 in surplus income.

Following the presentation of the report, Members asked questions, made comments and responses were provided, where appropriate, as follows:-

- a) In response to a question raised by the Chair in relation to Narrowboat Way and the likely savings that would be generated once the Council ceased control of the property, the Team Manager (Licensing and Waste Enforcement) advised that the lease on the property would expire in March 2024 with a proposal to move the administration and Taxi testing back to Lister Road. This would incur a cost for the first year, however the cost would be offset by the savings made on the rental of the property. The Finance Manager commented that within the figures submitted, around £40,000 related to premises cost, acknowledging that some of this would still stand wherever the service was located, although it would be expected to reduce, but would not be seen in the budget until 2024/25.
- b) Members were mindful that an increase had not been awarded for some time and questioned the sustainability of the service and its functions should it be considered to not implement an increase again this year. In response, the Finance Manager advised that as previously indicated, the Secretary of State for Culture, Media and Sport had been requested to review the Liquor Licensing fees as there had not been an increase since 2007. The surplus had been eroded over the years, to enable the service to keep fees down to avoid putting unnecessary pressures on the customer base, due to the challenges that businesses were experiencing. However, as the trajectory was likely to continue, it was likely that the service would find itself in a deficit position, recognising that there was only a limited ability to increase the fees. The Team Manager (Licensing and Waste Enforcement) advised that the Local Government Association were lobbying Parliament to review Liquor Licensing fees but no indicator as to a decision from Parliament or the Secretary of State had been received so far.
- c) The Team Manager (Licensing and Waste Enforcement) indicated that income was reliant on the volume of liquor licenses the Council held, as more licenses generated more income, and it was noted that many smaller Councils had already found themselves in deficit and were looking to fund Licensing regimes from Council funds rather than funds from customers. It was noted that next year without the support from Central Government, the service may need to approach the Council for more funds.

- d) In relation to a question raised regarding Narrowboat Way and the percentage likely to be saved in 2025, the Finance Manager confirmed that in terms of rent and rates, the service currently contributed approximately £40,000, and it was anticipated that 50% savings would likely be achieved which would equate to approximately a £20,000 surplus.
- e) In response to a question raised in relation to other savings that could be found within the licensing service, the Team Manager (Licensing and Waste Enforcement) indicated that although minor savings on efficiencies could be investigated within the service, however, an alternative to efficiency savings could involve the Council looking for ways to invest in Dudley to increase the number of licensed premises. It was noted that prior to the Covid 19 pandemic, there were 1,089 licensed premises in the authority which had reduced to 800 during the middle of the pandemic. Currently 960 premises were in existence, and it was noted that although many clubs and public houses had ceased trading, they had been replaced with licensed shops.

In conclusion, the Finance Manager advised that over the last 3-4 years a number of efficiency savings had been implemented throughout the wider licensing function and although there were always areas where further improvements could be made, observing inflation increases since 2018/2019, the overall cost base could be approximately £120,000 more if the efficiency savings had not been implemented.

Due to the insufficient funds that would be generated by increasing the fees by 1 or 2%, and being mindful of the current economic climate and the prediction that a number of licensed businesses were likely to cease trading this year, the Sub-Committee:

Resolved

That no action be taken to increase the fees for licences and consents, with effect from 1st April 2023, other than those where the fees are imposed by statute in respect of liquor licensing, gambling machine permits and amusements.

9. Questions Under Council Procure Rule 11.8



There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 6.31pm.

CHAIR

Minutes of the Licensing Sub-Committee 1
Tuesday, 21st March 2023 at 10.17 am
In Conference Room 9, Saltwells Education Development
Centre, Bowling Green Road, Netherton, Dudley

Present:

Councillor J Clinton (Chair)
Councillors J Cowell and T Creed

Officers: -

N Slym – Assistant Team Manager - Licensing and Waste Enforcement (Directorate of Public Realm), S Wright – Solicitor and K Buckle – Democratic Services Officer (Directorate of Finance and Legal).

13. Apology for Absence

An apology for absence from the meeting was submitted on behalf of Councillor P Miller.

14. Appointment of Substitute Member

It was reported that Councillor T Creed had been appointed as a substitute member for Councillor P Miller for this meeting of the sub-committee only



15. **Declaration of Interests**

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

16. **Application for Grant of a New Premises Licence – The Coast, Afro Cuisine, 31 – 32 King Street, Dudley**

A report of the Interim Director of the Environment Directorate was submitted in respect of an application for the grant of a new premises licence in respect of premises known as The Coast Afro Cuisine, 31 – 32 King Street, Dudley.

The following persons were in attendance at the meeting: -

Mrs A Nsinga – Designated Premises Supervisor (DPS)

Mr J Ewane – Son of the (DPS)

Mr P Burke – PMB Licensing – Representative for the DPS

K Turley and D Jenkins – West Midlands Police (Observers)

N Aston-Baugh – West Midlands Fire Service

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council, referring to the application that had been received on 27th January 2023 from PMB Licensing on behalf of Mrs A Nsigna.

It was noted that the objections raised to the application by West Midlands Police and the Licensing Authority had been withdrawn and the remaining objection from a local resident was referred to, however the resident had indicated that he would not be attending the meeting today.

West Midlands Fire Service made representations, and in doing so referred to the voluntary undertaking that had now been agreed by the Designated Premises Supervisor and which was attached to the application. It was stated that once all work had been completed including conducting a fire risk assessment of the licensed premises, capacity would be increased from 60 to 100 patrons.

In referring to the objections of the local resident, Mr P Burke referred to those as vexatious.

It was noted that he was a local business premises owner.

The raised objections were refuted, and it was stated that King Street, Dudley was covered by CCTV surveillance.

Councillor J Cowell sought clarification on whether West Midlands Police had been alerted of any issues within the King Street vicinity.

Ms D Jenkins confirmed that there were issues with the lack of parking facilities for vehicles utilising the businesses within the area in question, stating that this was a high crime impact area and both cars and noise were problematic.

Mr N Slym advised that there had been issues in relation to violent crimes and disturbances with noise complaints and issues with parking being raised with Environmental Health Colleagues, in relation to King Street, Dudley.

At this juncture the meeting was adjourned for the sub-committee to determine whether the objections raised were vexatious.

The sub-committee having made their decision reconvened the meeting.

All parties were advised that the Sub-Committee had determined that the objector raised several issues which amounted to relevant representations and as such were not vexatious.

Mr P Burke referred to the conditions that had been agreed with all of the responsible Licensing Authorities.

In response to a question from Councillor T Creed, Mr P Burke advised that the premises operated an entrance and exit only policy, thereby should patrons leave via the exit to visit the smoking area, they would have to re-enter and would be searched by the Security Industry Authority (SIA) staff, before being allowed to re-enter the premises.

Mr P Burke also confirmed that the smoking area would not impede any escape from the premises and any litter would be cleared from outside the business premises.

Following the summing up from all parties, the Sub-Committee came to their conclusion and the Chair of the Committee outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented at the meeting, the application for a new premises licence in respect of the premises known as The Coast, Afro Cuisine, 31 – 32 King Street, Dudley, be granted subject to the following conditions: -

- (1) Incident Book - The premises will have an incident book and record all incidents that occur inside or immediately outside the premise, regardless of whether any of the emergency services have been called. The record of incident will include details of the member of staff involved in the incident and the actions taken. Regular liaison with police will be encouraged to ensure cross-reference of venue related incidents. This incident book can be inspected at any reasonable time by all responsible authorities.
- (2) Staff Training – All staff will be trained on the signs of drug abuse both on persons and how to recognise signs of use on the premises. Training would also be provided on signs of persons drinking to excess. Training would be provided to staff to include Challenge 25 policy and differing ID methods. All training must be recorded on the premises in a training book and be made available to the responsible authority immediately upon request.
- (3) The DPS will undergo updated training annually.
- (4) A refusal book to be kept on the premises detailing the time and date of refusal and the reasons for the refusal. The book will be kept on the premises and handed to any responsible authority on request.
- (5) There will be a Challenge 25 policy in place and only photographic ID including a driving licence, passport student card or 'Pass' scheme card will be accepted as proof of age. 'Challenge 25' signage will be prominently displayed for customers in the premises.
- (6) Staff will be trained on signs of underage drinking and this will be recorded in the training book and kept on the premises and can be inspected on the request of any responsible authority.
- (7) Drugs misuse signs will be predominantly displayed in all areas of the premises.

- (8) Any Temporary Event Notice (TEN) received in relation to the premises will include full details of any DJ that will be attending and will be forwarded on to the Dudley Licensing Officer at the time of the application. The premises license holder will uphold the conditions of the license regarding Security Industry Authority (SIA) staff for the duration of the TEN.
- (9) The premises CCTV will be checked on a weekly basis in order to identify any concerns. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (10) CCTV will be installed at the premises and will record all incidents and immediately outside the premises for a minimum of 28 days. CCTV will cover all areas of licensable activity and will include all exits and entrances where searching takes place. The smoking area will also be covered by CCTV.
- (11) A member of staff employed at the premises when it is open for licensable activity will be trained in the operation of the CCTV system. They will be able to download any footage at the request of the Police and any other Responsible Authority within 24 hours of the request, and the venue will provide their own USB and/or disc for this purpose.
- (12) A member of staff on duty at the venue will carry out daily checks when the premises are open for licensable activity, that the CCTV system is in working order. This check will be recorded in a separate book and signed and dated by the checker.
- (13) Any CCTV hard drive that is damaged or broken will be retained at the premises for a minimum of 28 days and available upon request by the Police or any other Responsible Authority.

- (14) On Fridays and Saturdays, and any Sunday before any Bank Holiday and any Bank Holiday and Christmas Eve, Boxing Day and New Years Eve when entertainment is provided, from 22:00 hours a minimum of 6 SIA registered Door Supervisors will be employed at the venue, including one female. They will remain in place until the venue is closed. One member of door staff will be positioned in the smoking area. On all other occasions door supervisors will be employed in accordance with a separate written risk assessment.
- (15) Door Supervisors on duty will display on their outer sleeve at all times an up to date/relevant SIA Badge. All Door Supervisors will be required to wear high visibility jackets when outside the premises and appropriate dress when inside. All Door Supervisors will be required to sign in/out every shift; this must include their full badge number and full name, and these details must be retained by the premises for a 6 month period and disclosed to any Responsible Authority upon request.
- (16) A minimum of 6 door staff will at all times wear a Body Worn Camera when door staff are employed at the premises. The bodycams will be checked prior to any tour of duty that they are in working order & replaced as soon as practicable if faulty.
- (17) When door supervisors are employed at the premises, every patron entering the venue will be subject to a full bag and body search. Any persons leaving and returning to the venue will be re searched fully.
- (18) The premises will install a metal screening device (ie; knife arch) which all patrons will be required to walk through upon entry to the premises. This will be in addition to a full bag and body search by SIA Door Supervisors as per Condition number 17 above.
- (19) The premises shall implement and put into practice a drugs policy for the venue. Anyone found to be in possession of drugs, including nitrous oxide cannisters, will be removed from the premises.

- (20) No drinking vessels at any time are to be taken beyond the outside perimeter of the premises and the premises licence holder must ensure notices are displayed in any designated outside smoking or drinking area to inform patrons of the restriction.
- (21) No persons will be allowed entry inside the venue when wearing a cap, hoodie or any other item that will obscure full facial recognition on CCTV cameras.
- (22) The Police will be called if an incident arises that the door staff are unable to diffuse.
- (23) All drinks will be served in plastic cups or poly carbs after 22:00 hours on Friday, Saturday and Sunday evenings, Bank Holidays, Christmas Eve, Boxing Day and New Years Eve or any other date when a special event is taking place.
- (24) An incident log shall be kept at the premises; and made available on request to an authorised officer. It must be completed within 24 hours of the incident and will record the following: -
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons (to be kept in a safe and reported to the Police)
 - (f) Any faults in the CCTV system.
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service.
- (25) No under 18's shall be allowed inside the premises after 21:00 hours any night of the week.
- (26) No unaccompanied under 18s shall be allowed inside the premises at any time.

- (27) The venue must retain on the premises door staff profiles, which includes photo ID other than their SIA badge and a utility bill which must not be dated later than 6 months previously. The Licence Holder shall ensure that such profiles are made available for inspection by the Police or Local Authority at any time and kept in a secure location. If any door supervisors leave the premises, the profile shall be retained on the premises for at least three months, following their departure.
- (28) The premises shall implement and put into practice a search policy for the venue.
- (29) The DPS shall ensure that noise levels arising from the premises including the smoking areas are at a level so as not to disturb local residents.
- (30) Internal doors will be installed to cut down on noise from the premises.
- (31) A wind down period of 30 minutes before the last drinks are served. This will encourage customers to begin to leave the location as this will indicate the night is ending. It will also reduce noise leaving the location through the opening and closing of the main door when customers leave.
- (32) Signage displaying to customers to “respect local residents, please leave quietly” to be on display around the location and especially at the exits and smoking areas.
- (33) The smoking area as identified in the plan will be barriered with a 2 metre by 3 metre of barriers and will be monitored and controlled by SIA staff to restrict non-patron use and restricted to 10 persons at any one time.
- (34) Door staff will search customers on re-entry from the smoking area to the premises.

Reasons for the Decision

In accordance with the Council’s Licensing Policy each licence application will be considered on its own merits in the context of the four licensing objectives. We have taken account of the Licensing Act 2003 and the Section 182 Statutory Guidance. We note we must carry out our function

under the Act with a view to promoting the licencing objectives. We have had regard to the representations. We have taken such steps as we consider appropriate for the promotion of all four licencing objectives. In considering the evidence representations have been made by the Police and the Licensing Authority, they have raised a number of concerns and are now satisfied that the new Operating Schedule addresses the concerns. There has been a promotion of the licensing objectives. The Fire Service has also raised concerns and the Applicant has entered into a Voluntary Undertaking.

There is another person who has made representations. That person raises relevant representations that relate to: -

- Drinking in the streets
- Noise
- General disorder

There are other issues mentioned by the other person, but we can only consider that which is a relevant representation if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

We are of the view that the new schedule addresses the concerns raised by the other person.

There is a right of appeal by all parties to the magistrates' court. The appeal must be commenced within 21 days.

The meeting ended at 11.47am

CHAIR

Minutes of the Licensing Sub-Committee 2
Tuesday, 7th February 2023 at 10.00 am
In Conference Room 9, Saltwells Education Development Centre,
Bowling Green Road, Netherton

Present:

Councillor E Taylor (in the Chair)
Councillors P Drake and K Razzaq

Officers:

N Slym – Assistant Team Manager (Licensing and Waste Enforcement)
(Directorate of Public Realm); R Clark – Principal Solicitor and K Taylor – Senior
Democratic Services Officer (Directorate of Finance and Legal).

15 Apologies for Absence

There were no apologies for absence received for this meeting of the Sub-Committee.

16 Appointment of Substitute Members

There were no substitute Members appointed for this meeting of the Sub-Committee.

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 held on 11th October 2022, be approved as a correct record, and signed.

19. **Application for Review of a Premises Licence – The Liquor Well (Formally Old Park News and Mini Market)**

A report of the Interim Director of Public Realm was submitted on an application for a review of a premises licence in respect of The Liquor Well, 159 Old Park Road, Dudley.

The following persons were in attendance, at the meeting:

Mr H Singh - (Premises Licence Holder and Designated Premises Supervisor)

Ms V Joshi - (Solicitor on behalf of Mr H Singh)

Mr K Singh - (Director and Manager of the Premises)

Mr R Jones – (Environmental Health and Trading Standards)

Mr K Maan - (Environmental Health and Trading Standards)

Mrs K Grandison - (Environmental Health and Trading Standards)

Ms D Jenkins – (West Midlands Police)

Ms K Turley – (West Midlands Police)

Ms K Mullings – (Licensing and Waste Enforcement)

Following Introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council.

Mr R Jones presented the facts of the case relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003, and outlined the reasons that had resulted in the application being made for a review of the premises licence.

It was noted that on 23rd September, 2022, over 300 illegal nicotine containing vapes were seized from the premises all for having a tank capacity in excess of the prescribed limit, contrary to Regulation 48(d) of the Tobacco and Related Products Regulations 2016.

The Sub-Committee were further advised that on 27th October, 2022, a 15 year old test purchaser was sold a disposable nicotine containing e-cigarette (Elf Bar 600 puff 2% nicotine) contrary to The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015. On the same date, 44 illegal nicotine containing vapes were seized from the premises all for having a tank capacity in excess of the prescribed limit, contrary to Regulation 48(d) of the Tobacco and Related Products Regulations 2016.

It was noted that following a complaint from the public, Trading Standards Enforcement Officers visited the premises on 23rd September, 2022, where 361 illegal nicotine containing vapes were seized from the premises all for having a tank capacity in excess of the prescribed limit, contrary to Regulation 48(d) of the Tobacco and Related Products Regulations 2016. The illegal vapes were found hidden in various locations throughout the premises and the shop assistant present at the time was a Mr A Singh.

It was also noted that an advisory notice titled 'ACS Advice – Electronic Cigarettes' was sent to the shop on 11th October, 2022, which clearly outlined to the retailer what constituted an illegal product and reminded the reader on how to prevent underage sales and Challenge 25.

In referring to the incident on 27th October, the individual who had sold the disposable nicotine containing e-cigarette to the 15 year old test purchaser having neither questioned the age nor requested identification was identified as Mr A Singh. Upon being cautioned, Mr A Singh made no reply. During an inspection of the premises, 44 illegal vapes were found concealed inside a Jack Daniels whisky box underneath the counter with all having a tank capacity in excess of the permitted 2ml size, with most being 3,500 puffs. A Traders Notice was subsequently issued, and a request made for the production of the premises Closed Circuit Television (CCTV).

Mr R Jones then provided a summary of the interview undertaken under caution attended by Mr H Singh, who confirmed that the business was owned by Saavan Limited, with the company Director being Mr K Singh, who was the brother of Mr H Singh. It was confirmed that Mr K Singh managed the premises and was responsible for dealing with stock and finances and had provided training to Mr A Singh, and that Mr H Singh had minimal involvement with the premises. It was reported that the majority of the 44 vapes seized on 27th October 2022 had been returned by customers, further to the premises offering a refund on unlawful products sold previously, and that the premises no longer sold vapes over 600ml.

The Sub-Committee were advised that Mr K Singh attended an interview under caution on 13th December, 2022, together with a solicitor, however, he refused to answer any questions and instead submitted a prepared statement which was subsequently accepted. Mr A Singh had also failed to attend an interview on the same date. A further invitation to attend an interview on 1st February, 2023 was sent to both Mr K Singh and Mr A Singh who failed to attend again.

At this juncture, Mr R Jones presented the Jack Daniels whisky box containing 44 illegal vapes which was seized during the visit on 27th October, 2022 to the Sub-Committee.

It was noted that Mr K Singh was also Director for another premises located in Wolverhampton Street, Dudley, from which illegal vapes were seized on a date in advance of the seizure from the Liquor Well.

Mr R Jones shared his concerns that it was apparent that the premises was selling illegal vapes within the community and to under aged customers; that there had been minimal co-operation from all parties in relation to The Liquor Well; that Mr A Singh had given an incorrect address and that the Authority had still not received CCTV footage and the employment details of Mr A Singh despite a number of requests. There were also concerns of Mr H Singh's ability as a Premises Licence Holder and Designated Premises Supervisor, as by his own admission, he had full time work commitments as a driver.

In concluding, it was suggested that if the Sub-Committee was minded not to suspend or revoke the premises licence that consideration be given to the imposition of additional conditions on the licence.

In responding to comments made, Ms V Joshi accepted the facts presented however wished to confirm that the invitation to attend interviews under caution were voluntary.

Ms K Turley then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Neighbourhood Policing Unit considered that the sale of and subsequent supply of illegal nicotine products to a young person was in direct contravention of the licensing objectives relating to the prevention of crime and disorder and the protection of children from harm and therefore fully supported the recommendations made by Trading Standards.

Ms K Mullings then presented the representations of Dudley Licensing Authority and in doing so referred to the four compliance checks that had been carried out on 2nd December, 2022, 6th December, 2022, 5th January, 2023 and 6th January, 2023. During the compliance visit on 2nd December, 2022, an employee was present at the premises known as Mr SG, who was not aware of Mr H Singh or the location of the premises licence or conditions. Following a telephone conversation, Mr SG's wife attended the premises and gave permission for the inspection to continue. It was advised that the premises licence had been displayed but had since been removed due to a refurbishment taking place at the premises. During the inspection it was evident that a number of conditions were not being complied with, and a letter was subsequently issued to Mr H Singh informing him of the issues and advising him that a further visit would be undertaken within two weeks.

A request was made for a replacement of the premises licence as Mr H Singh was unable to locate his copy.

During the compliance visit on 6th December, 2022, Mr K Singh was present and advised that the receipts were with accountants and were not available for inspection. During the third compliance visit on 5th January, 2023, Mr H Singh and Mr K Singh were both present, where Mr H Singh advised that he had applied for change of address on the licence and was waiting for a new premises licence. Cash and Carry receipts for alcohol purchases dating back to January, 2021 was produced, however, there were no receipts for vapes. It was noted that the CCTV system had been upgraded on 17th December, 2022.

During the fourth compliance visit on 6th January, 2023, Mr SG, who was working at the premises, produced proof of residency for both himself and Mr K Singh. Following a telephone conversation with Mr K Singh in relation to the receipts for vapes, it was confirmed that these were still with the accountants.

In concluding, Ms K Mullings shared her concerns of the continued poor management and lack of understanding of the importance of the conditions attached to the premises licences displayed by Mr H Singh, Mr K Singh and Mr SG, and therefore fully supported the recommendations made by Trading Standards.

Ms V Joshi then presented the case on behalf of her clients, Mr H Singh and Mr K Singh, and in doing so confirmed that both understood the conditions of the premises licence and subsequent breaches. It was further suggested that a sealed box containing ten illegal vapes that had been seized on 27th October, 2022 was also present at the premises during a visit undertaken by Trading Standards Enforcement Officers on 23rd September, 2022. Ms V Joshi further stated that her clients had fully accepted accountability and had apologised for the incidents that had occurred.

In responding to comments made, Mr K Maan gave assurances to the Sub-Committee of the extremely thorough inspections undertaken daily at premises across the Borough, and that any products suspected to be illegal would not have been left at the premises.

In responding to Ms V Joshi's comments in relation to the production of a receipt, it was confirmed that the receipt did not relate to the purchasing of the 361 illegal nicotine containing vapes seized on 23rd September, 2022.

In referring to the incident on 27th October and the sale of the disposable nicotine containing e-cigarette to a 15 year old test purchaser, Ms V Joshi advised that it was accepted that no identification had been requested and that Mr A Singh had now been dismissed.

Following a discussion, Mr K Singh was requested to email his employment details to the Public Protection Manager as a matter of urgency.

Ms V Joshi informed the Sub-Committee of the measures implemented including the update to the CCTV system; appropriate training to Mr SG; submission of proof of residency and that Mr K Singh had implemented all conditions of the premises licence.

Following further discussion, concerns were raised in relation to the lack of invoices and receipts retained by the premises in a file for a minimum of two years which should be made available for inspection on demand by an officer of a responsible authority.

In summing up, Ms V Joshi reiterated her previous comments and requested that the Sub-Committee in determining the application today consider the measures implemented and also confirmed that Mr H Singh would be in agreement with the imposition of additional conditions to the premises licence as recommended by Trading Standards.

In responding to a question raised by the Principal Solicitor, Ms V Joshi confirmed that attempts had been made to contact the seller of the vapes with a tank capacity in excess of the prescribed limit for receipts, with no success to date. Mr K Singh confirmed that the sale was private together with a credit agreement to pay for the products once sold to the agreed amount.

In responding to a question raised by the Chair, all parties confirmed that they had had a fair hearing and sufficient opportunity to present their cases. All parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

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

Resolved

- (1) That, following consideration of the information contained in the report submitted and presented at the meeting, the following conditions be applied to the premises licence in respect of The Liquor Well (Formally Old Park News and Mini Market), 159 Old Park Road, Dudley: -
 - (1) **Age Verification** – the premises will operate an age verification policy set at a minimum of ‘Challenge 25’. All staff authorised to sell alcohol will be trained in this policy and without exception adhere to it. Acceptable forms of identification to verify age will only include a passport, photographic driving licence or a Proof of Age Standards Scheme (PASS) such as Citizen Card or equivalent. No other form of identification will be accepted.
 - (2) **Advisory Notices** – suitable age restricted advisory and warning notices are to be displayed **(1)** on the main door to the premises **(2)** at the point of sale **(3)** in prominent positions at all points within the premises where alcohol is displayed for sale to the public.

- (3) **Refusals Register** – a register for age restricted products will be maintained at the premises. This can be either a written register or an electronic version. As a minimum, the register will record the date, time and reason for the refusal of sale. All staff working on the premises will know of the existence of the register and will produce it at the time of request by any authorised officer from the Responsible Authority. The PLH, DPS or store manager will review the register once a week ensuring it is completed and accurate and for audit purposes be in a position to corroborate this review in writing or electronically. Failure to continue recording refusals due to a written register being full will be considered a breach of this particular condition.
- (4) **CCTV System** – a CCTV system will be installed at the premises and will record at all times when the premises are open for licensable activities. The equipment will be of such a type as to conform to the specifications set by West Midlands Police. It will record, as a minimum **(1)** those areas within the store where alcohol is displayed to the public and **(2)** the point of sale. The camera views of these areas will remain unobstructed at all times. The CCTV system will show the correct time and date and the equipment itself will be maintained so as to be in good working order. Daily checks should be made of the CCTV system by a member of staff at the commencement of licensing hours to ensure it is in proper working order. All recorded images are to be stored for a **minimum of 31 days** and made available upon request to any authorised officer from the Responsible Authority. Whilst the premises are open for business during the licensing hours at least one member of staff will always be present who is suitably trained so as to know how to operate the CCTV system. Any CCTV hard drive that is replaced/repaired/renewed will be retained for a minimum of 31 days.

- (5) **Staff Training** – anyone employed to work on the premises who finds themselves on duty during licensable hours of business and being in a position where it is reasonable to expect them to potentially take payment from customers for goods which may include alcohol must have already have completed an initial training programme in relation to the requirements of the Licensing Act 2003. This initial training must include a written test to verify the competency of that person. This initial training must be completed prior to that member of staff being left alone in the store for any period of time whatsoever. Existing employees will undertake refresher training every 12 months, as a minimum. A record of all staff training will be maintained and stored on the premises and produced upon request to an authorised officer from the Responsible Authority.
- (6) **Casual Staff** – during the hours of licensable activity and where any alcohol is visibly on display in the premises for sale to the public, persons who are not formally employed and trained to work at the premises are **NOT** to be left in temporary control regardless of the period of time. In the case of an emergency situation the PLH, DPS or store manager should close the store until a suitable member of staff can be present.
- (7) **Personnel File** – a file shall be maintained and stored at the premise for each member of staff authorised to sell alcohol. As a minimum, this must include proof of identity, date of birth, current home address and National Insurance Number. The only acceptable form of identity and age verification will be a signed copy of passport and/or driving licence. Proof of an address will include a letter from a current utility provider that clearly shows the name of the specific member of staff and not a relative or friend. Personnel files will be produced upon request to any authorised officer from the Responsible Authority.
- (8) **Proxy Sales** – any person suspected of attempting to purchase alcohol for anyone underage shall be refused service and an appropriate entry made within the Refusals Register.

- (9) **Disposable Vapes** 0 all e-cigarettes kept on the premises MUST comply fully with Part 6 (sections 31 – 40) of the Tobacco and Related Products Regulations 2016 (TRPR), Restriction of Hazardous Substances Act (RoHS), Waste Electrical and Electronic Equipment recycling regulations (WEEE) and the Electromagnetic compatibility directive (EMC)
- (10) **Financial Records** - all financial transactions that relate to the purchase of alcohol and tobacco products for this property must be kept in a folder and retained for a minimum period of 2 years from the actual date of purchase. The invoice/receipts must relate specifically to the postal address for this property and not to any other business address. These original documents are to be made available to an officer of a Responsible Authority upon request.

2. That Mr H Singh be removed as the Designated Premises Supervisor.

20. **Application for Review of a Premises Licence – Steve’s News, 56-58 Stourbridge Road, Halesowen**

A report of the Interim Director of Public Realm was submitted on an application for a review of a premises licence in respect of Steve’s News, 56-58 Stourbridge Road, Halesowen.

The following persons were in attendance, at the meeting:

Mrs T Manivannan - (Premises Licence Holder and Designated Premises Supervisor)
Mr N Bowser - (Arka Licensing Consultants on behalf of Mrs T Manivannan)
Mr R Jones – (Environmental Health and Trading Standards)
Mr K Maan - (Environmental Health and Trading Standards)
Mrs K Grandison - (Environmental Health and Trading Standards)
Ms K Mullings – (Licensing and Waste Enforcement)

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council.

Mr R Jones presented the facts of the case relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003 and outlined the reasons that had resulted in the application being made for a review of the premises licence.

It was noted that on 14th November, 2022, a 15 year old test purchaser was sold a disposable nicotine containing e-cigarette (Elf Bar 600 puff 2% nicotine) and a 500ml bottle of Brothers Parma Violet cider (4% Alcohol By Volume) in the same transaction, contrary to The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 and Section 146(1) Licensing Act 2003. On the same date, over 2000 illegal nicotine containing disposable vapes were seized from the premises all for having a tank capacity in excess of the prescribed limit, contrary to Regulation 48(d) of the Tobacco and Related Products Regulations 2016.

In referring to the incident on 14th November, the individual who had sold the disposable nicotine containing e-cigarette and age restricted product to the 15 year old test purchaser having neither questioned the age nor requested identification was identified as Mr S Manivannan. Once the test purchaser had vacated the premises, Mr R Jones entered and approached the counter, requesting an Elux Legend vape with a 3,500 puff size capacity, which was retrieved from underneath the counter and subsequently sold by Mr S Manivannan. Upon being cautioned, Mr S Manivannan made no reply.

During an inspection of the premises, a significant amount of illegal disposable nicotine containing vapes were located in the cellar with all having a tank capacity in excess of the permitted 2ml size. Under caution, Mr S Manivannan admitted that the vapes were acquired by him the day before from a local sales rep and that the stock was valued at £5,000, with a verbal agreement with the retailer to pay him this amount once he had sold the stock by Christmas. It was estimated that if sold, the value would be in the region of £15,000 to £20,000.

Mr R Jones then provided a summary of the interview undertaken under caution and attended by Mr S Manivannan, who confirmed that 600 puff vapes were displayed above the counter and the larger vapes beneath the counter, which he had been advised to do so by the retailer and sell by request only. It was reported that stock was stored in the cellar due to the limited size of the premises and ongoing refurbishment. It was confirmed that both Mr and Mrs Manivannan worked at the premises and that Mr S Manivannan admitted to selling a vape and age restricted product to a 15 year old having first refused to sell him a knife, and that he had stated that he was not concentrating due to an argument with his wife.

The Sub-Committee were advised that Mr S Manivannan had confirmed that illegal disposable vapes were purchased at the premises by a local sales rep called, Singh, and a delivery note presented. The delivery note for £5,000 was handwritten with some common brands noted, however there was no information regarding the supplier.

In concluding, it was suggested that if the Sub-Committee was minded not to suspend or revoke the premises licence that consideration be given to the imposition of additional conditions on the licence.

Ms K Mullings then presented the representations of Dudley Licensing Authority and in doing so referred to the compliance check undertaken 18th November, 2022 to check that the premises were being operated in accordance with the premises licence operating schedule. During the compliance visit, Mrs T Manivannan was present and it was noted that the summary licence was not displayed in the premises, and Mrs T Manivannan was unable to present a copy on request. Mrs T Manivannan also advised that she requested identification in relation to the sale of age restricted products to customers that appeared under the age of 18, therefore Ms Mullings advised her to operate a Challenge 25 policy and supplied her with appropriate information.

It was noted that Mrs T Manivannan had little understanding of the requirement of a Refusals Register, but that the premises had retained a register upon inspection. It was further reported that Mr and Mrs Manivannan resided above the premises with their children but had failed to inform the licensing section of a change of address, as was legally required of a Premises Licence Holder.

Following a further visit to the premises on 13th December, 2022, it was evident that the summary licence was displayed and a full copy was produced upon request; Challenge 25 posters displayed around the premises and front door and a Refusals Register available and completed. It was further noted that Mrs Manivannan had completed a change of address which was reflected in the new licence.

In concluding, Ms K Mullings, although acknowledging the issues raised had since been rectified, shared her concerns of the lack of understanding by both Mr and Mrs Manivannan of their responsibilities as premises licence holders and designated premises supervisor, and therefore fully supported the recommendations made by Trading Standards.

Mr N Bowser then presented the case on behalf of his client, advising that Mr and Mrs Manivannan had been operating the premises for eight years as a family run business, with Mr Manivannan having extensive experience in retail sales. He reported that during the incident on 14th November, 2022, the premises was undergoing refurbishment in the storeroom and kitchen which had caused significant stress to the household which resulted in a large quantity of stock being relocated to the cellar for storage. The failed test purchase was attributed following an argument between Mr and Mrs Manivannan with Mr Manivannan initially refusing to sell a knife to the test purchaser in the first instance, however it was acknowledged that the sale should not have occurred in any case.

Mr N Bowser referred to the good record retained by Mr and Mrs Manivannan with no failed test purchase exercises or complaints or issues during the time of operating at the premises. In referring to the purchasing of the illegal disposable nicotine containing vapes, Mr Bowser confirmed that the product came from a cash and carry store in Hockley, Birmingham, which was used regularly, but that the particular deliverer of this stock advised Mr Manivannan to sell the vapes containing above the limited size upon request only. Following the seizure of the products, Mr Manivannan contacted the Cash and Carry and was assured of the legality of the products.

The Sub-Committee was informed of the additional measures implemented at the premises in accordance with the proposed recommendations submitted by Trading Standards, including further training, Challenge 25 posters and the Premises Licence were now displayed and a refusals register was now in operation. Mr Bowser also reiterated Mr and Mrs Manivannan had offered their assistance with any investigation required in relation to the sale of the illegal disposable nicotine containing vapes.

It was confirmed that Mr and Mrs Manivannan were both joint Premises Licence Holders.

In responding to a question raised by Councillor Razzaq, Mr Bowser confirmed that a delivery note had been presented to Mr Manivannan by the supplier of the illegal disposable vapes and not a formal receipt, and further reiterated that the supplier had stated that he was an employee of the Cash and Carry that was regularly used at the premises.

In responding to a question raised by Councillor Drake, Mr Bowser confirmed that the disposable vapes, and other stock, were stored away from the counter and in various locations throughout the premises due to the limited capacity available owing to the ongoing refurbishment.

Following further discussion, the Sub-Committee raised some concerns of Mrs Manivannan's inability to answer questions asked by the Sub-Committee in relation to the purchase of the illegal vapes and whether her English was sufficiently good to understand the detailed questions being asked. At this juncture, the Sub-Committee adjourned the meeting at 1.12pm and returned at 1.36pm, to allow Mr Manivannan to attend the hearing as joint premises licence holder and with overall responsibility for the purchasing of stock for the premises.

Mr S Manivannan was in attendance at the meeting, and the Chair and all those present introduced themselves.

In responding to a question raised by the Chair, Mr Manivannan reported that he witnessed a range of vapes on display at the Cash and Carry and was informed by the supplier that he was an employer of the Cash and Carry located in Birmingham, and that the vapes were lawful to sell.

Mr Manivannan referred to the significant financial constraints and losses to the business and assured the Sub-Committee that it was not his intention to sell any products that were not legal.

In responding to a question raised by Councillor Razzaq following submission of a receipt identifying disposable vapes with a capacity size over 3,500 puffs, Mr K Maan confirmed that those specified did not contain nicotine and was therefore legal to sell.

In summing up, Mr Bowser on behalf of his clients, referred to the difficulties encountered whilst considering the extensive categories of vapes available and reiterated that the failed test purchase was a single incident and measures had since been implemented. It was also confirmed that Mr and Mrs Manivannan were in agreement with the imposition of additional conditions to the premises licence as recommended by Trading Standards.

Following summing up, all parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

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

Resolved

(1) That, following consideration of the information contained in the report submitted and presented at the meeting, the following conditions be applied to the premises licence in respect of Steve's News, 56-58 Stourbridge Road, Halesowen: -

- (1) **Age Verification** – the premises will operate an age verification policy set at a minimum of 'Challenge 25'. All staff authorised to sell alcohol will be trained in this policy and without exception adhere to it. Acceptable forms of identification to verify age will only include a passport, photographic driving licence or a Proof of Age Standards Scheme (PASS) such as Citizen Card or equivalent. No other form of identification will be accepted.
- (2) **Advisory Notices** – suitable age restricted advisory and warning notices are to be displayed **(1)** on the main door to the premises **(2)** at the point of sale **(3)** in prominent positions at all points within the premises where alcohol is displayed for sale to the public.
- (3) **Refusals Register** – a register for age restricted products will be maintained at the premises. This can be either a written register or an electronic version. As a minimum, the register will record the date, time and reason for the refusal of sale. All staff working on the premises will know of the existence of the register and will produce it at the time of request by any authorised officer from the Responsible Authority. The PLH, DPS or store manager will review the register once a week ensuring it is completed and accurate and for audit purposes be in a position to corroborate this review in writing or electronically. Failure to continue recording refusals due to a written register being full will be considered a breach of this particular condition.

- (4) **CCTV System** – a CCTV system will be installed at the premises and will record at all times when the premises are open for licensable activities. The equipment will be of such a type as to conform to the specifications set by West Midlands Police. It will record, as a minimum **(1)** those areas within the store where alcohol is displayed to the public and **(2)** the point of sale. The camera views of these areas will remain unobstructed at all times. The CCTV system will show the correct time and date and the equipment itself will be maintained so as to be in good working order. Daily checks should be made of the CCTV system by a member of staff at the commencement of licensing hours to ensure it is in proper working order. All recorded images are to be stored for a **minimum of 31 days** and made available upon request to any authorised officer from the Responsible Authority. Whilst the premises are open for business during the licensing hours at least one member of staff will always be present who is suitably trained so as to know how to operate the CCTV system. Any CCTV hard drive that is replaced/repaired/renewed will be retained for a minimum of 31 days.
- (5) **Staff Training** – anyone employed to work on the premises who finds themselves on duty during licensable hours of business and being in a position where it is reasonable to expect them to potentially take payment from customers for goods which may include alcohol must have already have completed an initial training programme in relation to the requirements of the Licensing Act 2003. This initial training must include a written test to verify the competency of that person. This initial training must be completed prior to that member of staff being left alone in the store for any period of time whatsoever. Existing employees will undertake refresher training every 12 months, as a minimum. A record of all staff training will be maintained and stored on the premises and produced upon request to an authorised officer from the Responsible Authority.
- (6) **Casual Staff** – during the hours of licensable activity and where any alcohol is visibly on display in the premises for sale to the public, persons who are not formally employed and trained to work at the premises are **NOT** to be left in temporary control regardless of the period of time. In the case of an emergency situation the PLH, DPS or store manager should close the store until a suitable member of staff can be present.

- (7) **Personnel File** – a file shall be maintained and stored at the premise for each member of staff authorised to sell alcohol. As a minimum, this must include proof of identity, date of birth, current home address and National Insurance Number. The only acceptable form of identity and age verification will be a signed copy of passport and/or driving licence. Proof of an address will include a letter from a current utility provider that clearly shows the name of the specific member of staff and not a relative or friend. Personnel files will be produced upon request to any authorised officer from the Responsible Authority.
- (8) **Proxy Sales** – any person suspected of attempting to purchase alcohol for anyone underage shall be refused service and an appropriate entry made within the Refusals Register.
- (9) **Disposable Vapes** 0 all e-cigarettes kept on the premises MUST comply fully with Part 6 (sections 31 – 40) of the Tobacco and Related Products Regulations 2016 (TRPR), Restriction of Hazardous Substances Act (RoHS), Waste Electrical and Electronic Equipment recycling regulations (WEEE) and the Electromagnetic compatibility directive (EMC)
- (10) **Financial Records** - all financial transactions that relate to the purchase of alcohol and tobacco products for this property must be kept in a folder and retained for a minimum period of 2 years from the actual date of purchase. The invoice/receipts must relate specifically to the postal address for this property and not to any other business address. These original documents are to be made available to an officer of a Responsible Authority upon request.

21 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 2.09pm

CHAIR

Minutes of the Licensing Sub-Committee 2
Tuesday, 7th February 2023 at 1.13 pm
In Conference Room 9, Saltwells Education Development Centre,
Bowling Green Road, Netherton

Present:

Councillor E Taylor (in the Chair)
Councillors P Drake and K Razzaq

Officers:

N Slym – Assistant Team Manager (Licensing and Waste Enforcement)
(Directorate of Public Realm); R Clark – Principal Solicitor and K Taylor – Senior
Democratic Services Officer (Directorate of Finance and Legal).

22 Apologies for Absence

There were no apologies for absence received for this meeting of the Sub-Committee.

23 Appointment of Substitute Members

There were no substitute Members appointed for this meeting of the Sub-Committee.

24 Declarations of Interest

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

25. **Application for a Licensed Premises Gaming Machine Permit – The Princess, 115-117 Bridgnorth Road, Wollaston, Stourbridge**

A report of the Interim Director of Public Realm was submitted in respect of an application for the grant of a Licensed Premises Gaming Machine Permit for three Category C machines at the premises known as The Princess, 115-117 Bridgnorth Road, Wollaston, Stourbridge.

The following persons were in attendance at the meeting:-

Miss L Arnold (Manager – The Princess)

Mr M Finnemore (Regional Manager – Craft Union Limited)

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council, and both Miss Arnold and Mr Finnemore responded to questions asked by the Sub-Committee and in doing so clarified the positioning of the machines and confirmed that all machines would be visible by members of staff from the different areas within the licensed premises.

Resolved

That, following consideration of the information contained in the report submitted, the grant of a Licensed Premises Gaming Machine Permit for three Category C machines at the premises known as The Princess, 115-117 Bridgnorth Road, Wollaston, Stourbridge, be approved.

26 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 1.22pm

CHAIR

Minutes of the Licensing Sub-Committee 3
Tuesday, 21st June 2023 at 10.45 am
In Conference Room 9, Saltwells Education Development
Centre, Bowling Green Road, Netherton, Dudley

Present:

Councillor A Taylor (Chair)
Councillors K Finch and T Creed

Officers: -

N Slym – Assistant Team Manager - Licensing and Waste Enforcement (Directorate of Public Realm), R Clark – Principal Solicitor and K Buckle - Democratic Services Officer (Directorate of Finance and Legal).

12. **Apologies for absence**

No apologies were submitted for this meeting of the Sub-Committee.

13. **Appointment of Substitute Members**

There were no substitute members for this meeting of the Sub-Committee.

14. **Declarations of Interest**

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



15. **Minutes**

Resolved

That the minutes of the meetings held on 20th December 2022, be approved as a correct record and signed.

16. **Exclusion of the Public**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individual(s) as defined in Part I of Schedule 12A to the Local Government Act, 1972, as amended.

17. **Application for Review of a Premises Licence – News Express (The Wine Cellar), 15-17 Abbey Road, Gornal, Dudley.**

A report of the Interim Director of Public Realm was submitted for the review of the premises licence in respect of News Express (The Wine Cellar), 15-17 Abbey Road, Gornal Wood.

The following persons were in attendance at the meeting: -

A Singh – Premises Licence Holder and Designated Premises Supervisor
D Dadds LLP – Barrister A Singh's representative.
K Turley – West Midlands Police
R Jones – Enforcement Officer (Trading Standards)
M Beesley – Senior Trading Standards Officer (Environmental Health and Trading Standards)
K Maan – Principal Trading Standards Officer (Environmental Health and Trading Standards)

Following introductions, the Assistant Team Manager - Licensing and Waste Enforcement presented the report on behalf of the Council who advised that an application for review of the premises licence was received from Environmental Health and Trading Standards on 3rd January 2023, on the grounds of breaches to the licensing objectives in relation to the prevention of crime and disorder and the protection of children from harm.

It was noted that there were six letters from local residents in support of the premises.

It was reported that the premises had been the subject of a review by the Sub-Committee previously on 28th June 2022. As result of that review the following conditions had been applied to the premises licence:

- (1) Closed Circuit television (CCTV) is to be installed at the premises. This shall be capable of retaining images for 30 days. CCTV images must be made available for playback in store to the Police or Council Licensing Officers at any time the store is open. CCTV images must be provided to the Police or Council Licensing Officers within 48 hours of a GDPR compliant request.
- (2) A member of staff capable of operating the CCTV and downloading and/or playing images shall be present at the premises at all times when it is open.
- (3) A challenge 25 policy shall be operated at the premises.
- (4) All staff selling age restricted products shall be given training in the promotion of the licencing objectives and the challenge 25 policy. Refresher training shall be provided at least every six months. A record of training shall be maintained and retained for a period of at least three years. Copies of training records shall be provided to Council Licensing Officers within 48 hours of a request being made for them.
- (5) A log shall be kept detailing all refused sales of alcohol. The log must include the date and the time of the refused sale and the name of the member of staff who refused the sale. The log shall be retained for a period of three years. Copy of the refusal log shall be provided to Council Licensing Officers within 48 hours of a request being made for it.

R Jones presented the facts of the case referring to the breach in relation to the prevention of crime and disorder and the protection of children from harm, under the Licensing Act 2003, that had resulted in the application being made for the review of the premises licence.

Details of the underage purchase were noted, and R Jones referred to the recommendations of Environmental Health and Trading Standards.

K Turley then presented representations on behalf of West Midlands Police advising that the recommendations of Environmental Health and Trading Standards were supported.

Following questions and responses, Mr Dadds presented the case on behalf the Mr A Singh and in doing so advised that the application for the review of the premises licence should be considered on its own merits. It was stated that the premises in question consisted of a small shop with Mr A Singh being present for the majority of the time on the shop premises with one other in his employment.

It was noted that the employee who had sold the product to an underage purchaser had been dismissed as a result and there were no objections to a further condition being applied to the premises licence that the former employee be excluded from the premises

It was accepted that Mr A Singh was under an obligation to provide training to his employees, and it was noted that there was a robust system of training in place as referred to in the additional information provided by Mr Dadds which outlined the monthly training regime that continued to take place.

The evidence of Mr G Hicks, Licensing Consultant at Raven Consultants was referred to and it was noted that although that evidence related to the underage sale it was incoherent and Members agreed that the audio evidence was inaudible.

Members noted that Challenge 25 training had been provided to Mr P Singh, there were posters throughout the business premises in relation to the Challenge 25 policy, and sophisticated software had been installed to the cashiers till prompting shop assistants to request identification as part of Challenge 25 policy.

Mr Dadds asserted that no offence whatsoever had been committed by Mr A Singh.

As appropriate further responses were provided to questions from Officers and Members.

All parties were given the opportunity to sum-up their cases. The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application for review.

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

Resolved

That following careful consideration of the information contained in the report submitted and the information presented at the meeting, the following additional condition numbered (6) be applied to the premises licence operating schedule in respect of the premises known as News Express (The Wine Cellar), 15-17 Abbey Road, Gornal Wood:-

Mr. Parvittar Singh is excluded from the premises known as News Express (The Wine Cellar), 15-17 Abbey Road, Gornal Wood, Dudley.

Reasons for the Decision

On balance of probabilities, the sub-committee believed that the test purchaser was unlikely to have not stated his age correctly, and the audio recording was so poor, that this could not be confirmed either way.

Nevertheless, the seller did not follow best practice and did not ask for proof of age, for a purchaser who appeared to be under 25 on the video recording viewed by the sub-committee. The seller has been dismissed.

The sub-committee had seen good evidence that the premises license holder and Designated Premises Supervisor (DPS) had implemented training and updates for his staff, had installed an efficient till prompt system, had maintained training records, has operated a 'refusals register' and had displayed challenge 25 posters. The sub-committee was satisfied that the specific seller did not follow this training and these procedures, despite his training.

The sub-committee was therefore satisfied that the premises licence holder had fulfilled his responsibilities, and therefore takes no steps to revoke the licence or remove the DPS. It has however found that the imposition of the proposed condition did address the issues raised by this review and places that condition into the operating schedule. of the premises licence. This condition was offered by the premises license holder, as a means of avoiding any future confusion about Mr Parvitter Singh returning to the premises in any capacity.

The meeting ended at 12.25pm

CHAIR

**Minutes of the Planning Committee
Wednesday 8th February, 2023 at 6.00 pm
In the Council Chamber at The Council House, Dudley**

Present:

Councillor D Harley (Chair)
Councillor A Goddard (Vice-Chair)
Councillors D Corfield, P Drake, J Martin, A Millward, W Sullivan and E Taylor.

Officers:

J Todd (Development Manager), I Lowe (Principal Planning Officer), J Pilkington (Principal Historic Environment Officer) and P Reed (Principal Planning Officer) (Directorate of Regeneration and Enterprise); G Breakwell (Solicitor) and K Taylor (Senior Democratic Services Officer) (Directorate of Finance and Legal).

Observers:

3 members of the public.

46 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors H Bills, P Miller and M Westwood.

47 Appointment of Substitute Member

It was reported that Councillors J Martin and A Millward had been appointed to serve as substitute Members for Councillors H Bills and M Westwood, respectively, for this meeting of the Committee only.

48 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.

49 **Minutes**

Resolved

That the minutes of the meeting held on 12th December, 2022, be approved as a correct record and signed.

50 **Plans and Applications to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plans and applications to develop. Where appropriate, details of the plans and applications were displayed by electronic means at the meeting.

Planning Application No. P22/0476 – Alder Coppice, Greenleighs, Sedgley, Dudley – Demolition of existing dwelling and erection of 1 no. new dwelling

Resolved

That the application be approved, subject to conditions numbered 1 to 18 (inclusive), as set out in the report submitted.

Planning Application No. P22/1726 – Private Garage Site at Rear of 16 to 24 Marlborough Gardens, Wordsley – Substitution of house types to plots 1, 2 and 3 of planning approval P20/0732 and minor modifications to parking and driveway areas (Plot 4 retained in accordance with permission P20/0732)

Resolved

That the application be approved, subject to conditions numbered 1 to 9 (inclusive), as set out in the report submitted.

51 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

52 **Exclusion of the Public and Press**

Resolved

That the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information, as defined under paragraph 6 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

53 **Proposal to apply for an Article 4(1) Direction**

A report of the Director of Regeneration and Enterprise was submitted on the making of a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 so that the demolition of the Locally Listed Heritage Asset, 41 Delph Road, Brierley Hill, DY5 2TW (HER 5128), identified in Appendix 1 to the report submitted, comes under the control of the Local Planning Authority (LPA).

Resolved

- (1) That the information contained in the report submitted be noted.
- (2) That the Cabinet Member for Regeneration and Enterprise be recommended to approve the making of an immediate Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to remove permitted development rights under Schedule 2, Part 11, Class B (any building operation consisting of the demolition of a building) from the site of 41 Delph Road, Brierley Hill, DY5 2TW, as identified in Appendix 1 to the report submitted.
- (3) That the Direction be served with immediate effect, in accordance with Article 6.

The meeting ended at 6.35pm.

CHAIR

PC/47

**Minutes of the Planning Committee
Wednesday 8th, March 2023 at 6.00 pm
At Saltwells Education and Development Centre,
Bowling Green Road, Netherton, Dudley**

Present:

Councillor D Harley (Chair)
Councillor A Goddard (Vice-Chair)
Councillors H Bills, B Challenor, P Drake, P Miller, W Sullivan, E Taylor and T Westwood.

Officers:

I Hunt (Project Engineer), P Reed (Principal Planning Officer) and J Todd (Development Manager) (Directorate of Regeneration and Enterprise); G Breakwell (Solicitor) and K Buckle (Democratic Services Officer) (Directorate of Finance and Legal Services).

Observers:

1 member of the public.

54. **Apology for Absence**

An Apology for absence from the meeting was submitted on behalf of Councillor M Westwood.

55. **Appointment of Substitute Member**

It was reported that Councillor T Westwood had been appointed to serve as a substitute Member for Councillor M Westwood for this meeting of the Committee only.

56. **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.

57. **Minutes**

Resolved

That the minutes of the meeting held on 8th February 2023, be approved as a correct record and signed.

58. **Plan and Applications to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plan and applications to develop.

59. **Planning Application No. P22/0650 – Land South of Bilston Street, Sedgley, Dudley – Demolition of existing buildings and structures and erection of a Food Retail Store (Class E) with associated access, car parking, servicing and landscaping.**

Resolved

That the application be approved, subject to conditions numbered 1 to 15 and 17 to 26 (inclusive), as set out in the report submitted and modified conditions numbered 16 and 22, and additional conditions numbered 27 and 28, as outlined below: -

16. The development shall not be first occupied until details of the future management and maintenance of the landscaped areas and tress have been submitted to and approved in writing by the Local Planning Authority. The open space areas shall thereafter be maintained and managed in accordance with the approved details for the life of the development.

22. The development shall not be occupied until details of the access(es) onto the site, together with parking and turning area(s) (including details of lines, widths, levels, gradients, cross sections, drainage, and lighting) have been submitted to and approved in writing by the Local Planning Authority. No occupation will take place until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.
27. The development hereby permitted shall not be brought into use until the approved drainage scheme has been implemented in complete accordance with Drainage Strategy – ASL-1608-01-DS-001-P3 07/02/23. Thereafter, the approved drainage scheme shall be retained and maintained for the life of the development in accordance with the submitted management and maintenance scheme as required in the condition below.

REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 – Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

28. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the maintenance and management of the sustainable drainage system have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include: -

A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime of the development.

REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 – Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

Additional Informative.

The developer shall ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

60. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 6.30pm.

CHAIR

**Minutes of the Meeting of the Taxis Committee
Wednesday 15th February 2023 at 6.00 pm
in Committee Room 2 at the Council House, Dudley**

Present:

Councillor A Hopwood (Chair)
Councillor B Challenor (Vice-Chair)
Councillors M Aston, S Bothul, P Drake, D Harley, P Lee and J Martin.

Officers:

S Smith (Team Manager (Licensing and Waste Enforcement)), N Slym (Assistant Team Manager (Licensing and Waste Enforcement)), S Ahmed-Aziz (Solicitor) and K Taylor (Senior Democratic Services Officer)

Also in Attendance:

I Grosvenor (Finance Manager) and R Millard (Senior Principal Accountant) for Agenda Item No. 5 – Revision of Licence Fees.

82 Apologies for Absence

Apologies for absence were received on behalf of Councillors R Body, A Lees and W Sullivan.

83 Appointment of Substitute Members

It was reported that Councillors S Bothul and P Drake had been appointed to serve as substitute Members for Councillors W Sullivan and R Body, respectively, for this meeting of the Committee only.

84 Declarations of interest

No Member made a declaration of interest, in accordance with the Members Code of Conduct, in respect of any matters considered at the meeting.

85 **Minutes**

Resolved

That the minutes of the meeting held on 12th January, 2023, be approved as a correct record and signed.

86 **Revision of Licence Fees**

A report of the Interim Director of Environment was submitted on the revision of fees for Private Hire and Hackney Carriage licences administered by the Committee.

The Team Manager (Licensing and Waste Enforcement) presented the report in detail referring Members to paragraphs of specific importance.

The Finance Manager outlined the proposed budget for 2023/24 and confirmed that the projected budget had been calculated based on a 0% uplift to charges, inflationary increases for salaries being built in and operational efficiencies targeted to partly mitigate any potential impact.

It was noted that over the last three year cycle a surplus of £10,000 had been forecasted, excluding 2021/2022, during that period income levels had been consistent. The draft budget for 2023/24 reflected the costs and income budgets set in 2018/19 and therefore efficiencies had been generated to offset the rise in inflation over the five-year period and were outlined in the report submitted.

During 22/23, the volume of driving licence renewals, new vehicle applications, and vehicle test appointments had steadily risen and were projected to achieve or exceed levels identified in 2019/20. It was noted that new driver licence applications were already above 2019/20 levels, giving officers confidence that next year projected income should meet any additional inflationary increases.

The Finance Manager referred to specific detail in relation to the administration of the Licensing Service, including staffing costs, training and advertising. It was noted that an additional £99,000 had been incurred in comparison to the previous year resulting from the implementation of the pay award to employees across the Council, and a salary regrading exercise.

In concluding, the Team Manager (Licensing and Waste Enforcement) confirmed that he had received notification on behalf of the Taxi Association expressing their support of the recommendation by officers, as outlined in paragraph 2 of the report submitted, for the no increase in fees.

Resolved

That no action be taken to increase the fees for private hire and hackney carriage licences administered by the Committee, with effect from 1st April 2023.

87 Questions Under Council Procedure Rule 11.8

There were no questions to the Chair pursuant to Council Procedure Rule 11.8

88 Exclusion of the Public and Press

Resolved

That the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information relating to an individual(s) as defined under Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

89 Change in Order of Business

Pursuant to Council Procedure Rule 1(c), it was:-

Resolved

That the order of business be varied and the agenda items be considered in the order set out in the minutes below.

90 Application for Grant of a Private Hire Driver's Licence – Mr NN

A report of the Interim Director of Environment was submitted to consider the application for the grant of a private hire driver's licence to Mr NN.

Mr NN was in attendance at the meeting, together with his Solicitor, Mr AS.

Mr AS made detailed representations on behalf of his client in support of his application, and responded to questions raised by Members in relation to his previous convictions as outlined in paragraphs 4 and 5 of the report submitted. It was noted that Mr NN had previously applied for the grant of a private hire and hackney carriage driver's licence in 2014, where the Committee resolved that the application be refused. Mr NN had also previously applied to Wolverhampton City Council in 2017 for the grant of a licence which was also refused.

Mr NN confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Solicitor provided legal advice in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that although more than ten years had passed since the 2010 conviction, they did not consider Mr NN to be a fit and proper person in view of the circumstances surrounding his previous convictions, therefore the application to grant a Private Hire Driver's Licence to Mr NN, be refused.

Mr NN was informed of his right to appeal the decision.

91 Application for Review of a Hackney Carriage Driver's Licence – Mr IH

A report of the Interim Director of Environment was submitted to consider the review of the Hackney Carriage driver's licence issued to Mr IH.

Mr IH was in attendance at the meeting together with his wife and explained the circumstances surrounding the endorsements on his Driver and Vehicle Licensing Agency (DVLA) mandate, as outlined in paragraph 4 of the report submitted, and responded to questions asked by the Committee.

Mr IH confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Solicitor provided legal advice in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided, they were satisfied that Mr IH was a fit and proper person and a warning be issued regarding his future conduct.

92 Application for Review of a Private Hire Driver's Licence – Mr SB

A report of the Interim Director of Environment was submitted to consider the review of the private hire driver's licence issued to Mr SB.

Mr SB was in attendance at the meeting together with his translator, Mr TM who explained the circumstances surrounding the convictions outlined in paragraph 4 of the report submitted, and responded to questions asked by the Committee on behalf of Mr SB.

Mr SB confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Solicitor provided legal advice in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that the Private Hire Driver's Licence issued to Mr SB be suspended for two months in view of his convictions for plying for hire and having no insurance.

Mr SB was informed of his right to appeal the decision.

93 Application for Grant of a Private Hire Driver's Licence – Mr MAN

A report of the Interim Director of Environment was submitted to consider the application for the grant of a private hire driver's licence to Mr MAN.

Mr MAN was in attendance at the meeting and made representations in support of his application, and responded to questions raised by Members in relation to his previous conviction as outlined in paragraph 4 of the report submitted.

Mr MAN confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Solicitor provided legal advice in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided, they were satisfied that Mr MAN was a fit and proper person, therefore, the Private Hire Driver's Licence be granted.

94 Application for Grant of a Private Hire Driver's Licence – Mr NH

A report of the Interim Director of Environment was submitted to consider the grant of a private hire driver's licence to Mr NH.

Mr NH was in attendance at the meeting and made representations in support of his application, and responded to questions raised by Members in relation to the conviction outlined in paragraph 3 of the report submitted.

Mr NH confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Solicitor provided legal advice in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that, subject to satisfactory drug testing, the Private Hire Drivers Licence be granted to Mr NH.

The meeting ended at 8.15pm.

CHAIR

1.**Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor R Buttery**Authorised By** Councillor R Buttery, Cabinet Member for Children and Young People**In Consultation With** Catherine Driscoll, Director of Children's Services**Ward(s) Affected** St James's**Date of Decision** 03 February 2023**Reference** DCS/03/2023**To approve the sealing of a new Instrument of Government for Milking Bank Primary School**

The Governing Body of Milking Bank Primary School have agreed to change the constitution of their governing body under the new School Governance (Constitution)(England) Regulations which came into force with effect from 1st September 2012. The agreed structure is:

- 1 Headteacher
- 1 Staff
- 5 Co-opted
- 1 Local Authority
- 4 Parents

I can confirm that this constitution is in accordance with the regulations.

2.**Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor R Buttery**Authorised By** Councillor R Buttery, Cabinet Member for Children and Young People**In Consultation With** Catherine Driscoll, Director of Children's Services**Ward(s) Affected** All**Date of Decision** 09 February 2023**Reference** DCS/05/2023**Integrated Early Years – Review of Specialist Nursery Provision**

To proceed to a township based Early Years Inclusion Hub Model (one per township – total of five) in line with the established cluster approach across the Integrated Early Years' Service and local area wide commitment to community inclusion (from Autumn Term 2023).

3.**Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor P Harley**Authorised By** Councillor P Harley, Leader of the Council**In Consultation With** Phil Parker, Head of Communications and Public Affairs**Ward(s) Affected** All**Date of Decision** 01 March 2023**Reference** CEX/01/2023**Fee Increases for the Directorate of Communications and Public Affairs 2023/24 2024/25 and 2025/26**

That the annual increase for Fees within the Directorate of Communications and Public Affairs to be approved.

4.**Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor P Harley**Authorised By** Councillor P Harley, Leader of the Council**In Consultation With** Phil Parker, Head of Communications and Public Affairs**Ward(s) Affected** All**Date of Decision** 03 March 2023**Reference** CEX/02/2023**Registration Officer Post Communications and Public Affairs (incl Registration Services)**

To create an additional permanent grade 6 registration officer post to allow the service to maintain its current marriage ceremony programme

5.**Delegated Decision Summary****Exempt**

Yes No

☒ ☐**Decision Made By** Councillor Shaun Keasey**Authorised By** Councillor Shaun Keasey, Cabinet Member for Commercialisation and Human
Councillor Natalie Neale, Cabinet Member for Adult Social Care**In Consultation With** Jacqueline Branch, Assistant Director People and Inclusion
Matt Bowsher, Director of Adult Social Care**Ward(s) Affected** None**Date of Decision** 31 January 2023**Reference** DAS/02/2023**Approval of Flexible Retirement**

To seek approval for the flexible retirement in the Directorate of Adult Social Care effective from 01/04/2023

6.**Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor Shaz Saleem**Authorised By** Councillor Shaz Saleem, Cabinet Member for Highways and Public Realm**In Consultation With** Andy Vaughan, Interim Director of Public Realm**Ward(s) Affected** All**Date of Decision** 30 January 2023**Reference** DPR/01/2023**PUBLIC REALM FEES & CHARGES 2023-24**

That approval is given for the scale of Fees and Charges as outlined in Appendix 1-3.

That the Interim Director of Public Realm and Service Managers be authorised to allow variations to the approved list of fees and charges to cover inflationary pressures, increasing fuel costs, pay award and pressures that individual services face.

7.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Decision Made By Councillor D Stanley**Authorised By** Councillor D Stanley, Cabinet Member for Regeneration and Enterprise**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** All**Date of Decision** 30 January 2023**Reference** DRE/02/2023Increase in fees for Astley Burf Outdoor Adventure Centre 2023/24

1.1 To increase fees paid by young people of Dudley attending Astley Burf Outdoor Adventure Centre with effect from September 2023.

1.2 There is a need for the Centre to be self-financing and therefore an 8.4% price increase is proposed, to be implemented with effect from September 2023. Current and proposed charges are detailed in Appendix 1.

1.3 Activities organised and provided by Corporate Landlord Services are available to schools. Activities are accommodated at a minimum of 12 pupils and a maximum of 60 pupils. Current rates are: 12–30 pupils charged at a rate of £20 per pupil and 31–60 pupils charged at a rate of £15 per pupil.

1.4 It is proposed that the new rates be: 12–30 pupils charged at a rate of £22 per pupil and 31–60 pupils charged at a rate of £16 per pupil. This ensures that the costs involved in providing the activity day are covered.

1.5 Activities include team building challenges, archery, a climbing wall, and low ropes. Schools also have the option to organise their own activities.

8.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Decision Made By Councillor D Stanley**Authorised By** Councillor D Stanley, Cabinet Member for Regeneration and Enterprise**In Consultation With** Helen Martin, Director of Regeneration and Enterprise

Ward(s) Affected St James's
Castle & Priory
Belle Vale
Brockmoor & Pensnett

Date of Decision 24 February 2023**Reference** DRE/04/2023Stalled and Derelict Sites Homes England Grant Award

1.1 For the Cabinet Member of Regeneration and Enterprise to accept grant funding from Homes England and enter into negotiated agreement. Initial revenue Funds of £55,000 secured to fund the procurement of surveying and legal consultancy to support of Stalled and Derelict Sites Programme.

1.2 For the Cabinet Member of Regeneration and Enterprise to approve further HE funds should they become available within the remainder of 22/23 or post 31/03/23 to cover further costs of the programme, to apply for and accept additional monies.

9.**Delegated Decision Summary****Exempt**

Yes No

☒ ☐**Decision Made By** Councillor D Stanley**Authorised By** Councillor D Stanley, Cabinet Member for Regeneration and Enterprise**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** All**Date of Decision** 28 February 2023**Reference** DRE/03/2023**Closedown of New Heritage Regeneration Ltd.**

1.1 That the Director of Regeneration & Enterprise be authorised to action the wind down of NHRL as of 31st March 2023.

10.**Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor Laura Taylor-Childs**Authorised By** Councillor Laura Taylor-Childs, Cabinet Member for Housing and Communities**In Consultation With** Kathryn Jones, Director of Housing and Communities**Ward(s) Affected** All**Date of Decision** 24 February 2023**Reference** DOH/02/2023**Accommodation for ex-offenders funding**

To accept the Accommodation for ex-offenders funding (AFEO) from the Government (DLUHC - Department for Levelling Up, Housing and Communities)

11.**Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor Laura Taylor-Childs**Authorised By** Councillor Laura Taylor-Childs, Cabinet Member for Housing and Communities**In Consultation With** Kathryn Jones, Director of Housing and Communities**Ward(s) Affected** All**Date of Decision** 03 March 2023**Reference** DOH/03/2023**HRA Sundry Charges 2023/24**

That approval is given for the rent increase for garages, garage plots, and access agreements as outlined in the Appendix.

That approval is given for the sundry charges increases as outlined in the Appendix.