

# Minutes and Delegated Decision Summaries

26<sup>th</sup> June, 2019 – 17<sup>th</sup> September, 2019

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

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## **Community Forums**

Action notes are published on the [Committee Management Information System](#)



## **Minutes of the Meeting of the Cabinet**

**Thursday, 27<sup>th</sup> June, 2019 at 6.00 pm**  
**In Committee Room 2 at The Council House, Dudley**

### **Present:**

#### **Cabinet Members**

Councillor P Harley (Leader – Chair)  
Councillor D Vickers (Deputy Leader – Vice-Chair)  
Councillors N Barlow, R Buttery, S Clark, A Lees, S Phipps and K Shakespeare

#### **Opposition Group Members Nominated to attend the Cabinet**

Councillors K Ahmed, S Ali, C Bayton, K Casey, J Foster, B Gentle, P Lowe, J Martin, S Ridney and Q Zada

#### **Observers**

Councillors J Cowell, Z Islam and S Keasey

#### **Officers**

K O'Keefe – Chief Executive, A Lunt – Deputy Chief Executive/Strategic Director Place, H Ellis – Interim Chief Officer Children's Services, I Newman – Chief Officer Finance and Legal Services, D Harkins – Chief Officer Health and Wellbeing, M Farooq – Lead for Law and Governance/Monitoring Officer, N Powell - Head of Environmental Health and Trading Standards and S Griffiths – Democratic Services Manager

### **1 Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors I Kettle and L Taylor.

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### **2 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.

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### **3 Minutes**

#### **Resolved**

That the minutes of the meeting of the Cabinet held on 20<sup>th</sup> March, 2019 be approved as a correct record and signed.

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#### 4 **Capital Programme Monitoring**

A joint report of the Chief Executive and the Chief Officer Finance and Legal Services was submitted on the implementation of and proposed amendments to the Capital Programme. The report also included the 2018/19 outturn position.

Various issues, questions and concerns were raised as follows:

- With regard to multi-storey car parks, urgent work was necessary to address the findings of a detailed structural report. The implications for car-park users were acknowledged together with the need for a long-term strategy to be discussed on a cross-party basis.
- In relation to the former Dudley Museum and Enhancement to the Dudley Town Hall catering provision, the referral to the Place Scrutiny Committee had addressed some of the concerns regarding the business plan, however, further work was necessary during the implementation of the project.
- A range of infrastructure issues were raised concerning new housing developments, in particular school places, health and other key service provision. This would be kept under review with a view to resources being directed accordingly.
- Reference was made to the development of the Bean Road site and the Strategic Director Place undertook to discuss issues with the Ward Councillors.
- Feedback would be provided regarding the Corbyn Road extension in particular amendments made to the tender documents and the engagement of external consultants. All costs were scrutinised to ensure value for money.
- In connection with tackling roadside nitrogen dioxide, it was confirmed that Government funding had been secured for sites referred to in the report and work would commence in the coming months. Reference was made to issues with Halesowen Road and the need to undertake further work. Clarification was requested in writing as to when the Council had received confirmation that Halesowen Road had not been approved for Government funding and when this had been communicated to the appropriate Cabinet Member(s) and Ward Councillors.
- Reference was made to ongoing design issues relating to Leisure Centres. Further consultation would take place with appropriate Ward Councillors and other Members. This would include consideration of the design and facilities, together with the potential for the relocation of services and the sharing of facilities where possible. Further discussions would be requested with the Clinical Commissioning Group concerning health care provision.

- Reference was made to the School Condition Allocation for 2019/20 and the implications for schools in the north of the Borough.
- A report on the original cost of the Social Care ICT project would be provided to the shadow Cabinet Member for Health and Adult Social Care.
- Consultation had been undertaken regarding the Lister Road development and a range of comments and views had been taken into consideration. Particular reference was made to road safety concerns at the junction of Lister Road, New Road and Adshead Road.
- In relation to the Independent Living Programme, a breakdown was requested of the adaptations undertaken. It was acknowledged that the cost of adaptations was based on a schedule of rates and local contractors were employed as far as possible.
- Reference was made to the legitimate use of “Section 106” funding for the construction of affordable housing.
- With regard to the Low Carbon Place Strategy, clarification was requested as to how the approved £2.5m of funding was split between Council housing and buildings together with the associated timescales involved.
- In considering the commercial implications of the report, Officers were asked to ensure that local procurement opportunities were explored wherever possible.

An undertaking was given that responses would be provided to any questions or issues that had not been addressed at the meeting.

## **Resolved**

- (1) That the Council be recommended:
  - (a) That the outturn position for 2018/19 be noted.
  - (b) That current progress with the most significant capital schemes be noted.
  - (c) That any expenditure which can be funded from “Section 106” developer contributions towards the provision of affordable housing, be included in the Capital Programme.
  - (d) That the expenditure of Parks Improvement funding be included in the Capital Programme.
  - (e) That the Saltwells Nature Reserve Wardens’ Base project be approved and included in the Capital Programme.

- (f) That the works to Ryemarket and Pool Road Multi-Storey Car Parks be approved and included in the Capital Programme.
  - (g) That the Tackling Roadside Nitrogen Dioxide budget be increased by £27,000 to reflect previous Department for Environment Food and Rural Affairs Air Quality funding.
  - (h) That the 2019/20 Schools Condition allocation be noted, and the associated expenditure, together with expenditure to be funded from any future Schools Condition allocations, be included in the Capital Programme.
  - (i) That the urgent amendments to the Capital Programme be noted.
- (2) That following consideration of the recommendations of the Place Scrutiny Committee, the decision in Minute No. 55 of the Council meeting held on 18<sup>th</sup> February, 2019 to approve the former Dudley Museum and Dudley Town Hall Catering Provision project and include it in the Capital Programme, be implemented.

## 5 **Revenue Outturn 2018/19 and Medium Term Financial Strategy**

A joint report of the Chief Executive and the Chief Officer Finance and Legal Services was submitted on the provisional revenue outturn position for 2018/19. The report included details of:

- (a) the draft General Fund and Housing Revenue Account (HRA) outturns for 2018/19.
- (b) the effect of the General Fund outturn on General Balances at 31<sup>st</sup> March, 2019.
- (c) the position on General Fund earmarked reserves at 31<sup>st</sup> March, 2019.

Reference was made to the need to continue the collaborative and cross-party working on the Council's budget and the implications of the Government's Fair Funding review. Joint representations would continue in relation to Adult Social Care funding.

### **Resolved**

That the report be noted.

## 6 **Food and Feed Service Plan 2019/20**

A report of the Strategic Director People was submitted on the Food and Feed Service Plan 2019/2020.

## **Resolved**

That the Council be recommended to approve the Food and Feed Service Plan 2019/20.

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### **7     Proposed Future Safeguarding Arrangements**

A report of the Strategic Director People was submitted on the adoption of a new model for overseeing and assuring the safeguarding functions of the three statutory partners in Dudley Borough, namely Dudley Metropolitan Borough Council, West Midlands Police and the National Health Service.

The selection process for the Independent Chair of the Safeguarding Board would involve the Cabinet Member and statutory partners. It was acknowledged that there was considerable work in progress and Members confirmed the commitment to ensuring a seamless transition to the new working arrangements.

## **Resolved**

- (1) That the national requirement for all local areas to submit their plans for new safeguarding arrangements by 29<sup>th</sup> June, and to have these in place by 29<sup>th</sup> September 2019 be noted.
- (2) That the significant work to develop new arrangements that has been undertaken across the system, through joint working between Council Officers and colleagues representing West Midlands Police and Dudley Clinical Commissioning Group (CCG), and the engagement of wider partners, including schools and the voluntary sector, from across Dudley Borough be noted.
- (3) That the all-age approach adopted, bringing the safeguarding arrangements for adults and children more closely together, on the basis that this offers scope for improving outcomes for Dudley residents, enhanced partnership across the safeguarding system, and better use of resources be approved.
- (4) That the joint report on Dudley Safeguarding People Partnership Arrangements which has been developed through extensive partnership working be approved.
- (5) That the establishment of the proposed new Dudley Safeguarding People Partnership Board, including the appointment of an independent Chair to proactively engage with and lead strategic partners be approved.
- (6) That the proposed approach for transitional arrangements from the Children's Services Improvement Board into the new integrated safeguarding arrangements be approved and the scope for closer alignment with the Dudley Community Safety Partnership ('Safe and Sound') be explored in due course.

- (7) That the Strategic Director People, following consultation with the Cabinet Members for Health and Adult Social Care and Children and Young People, be authorised to make such practical steps as shall be required to establish the new arrangements.
- (8) That the new Black Country Child Death Overview Process arrangements, as developed and agreed by Black Country CCG Chief Nurses and Directors of Public Health, be approved.

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8 **Community Infrastructure Levy (CIL) – Approval of 2018/19 Spend and Approval of Reviewed Spend Process**

A report of the Strategic Director Place was submitted on proposals for the partial spend of Community Infrastructure Levy (CIL) receipts and the reviewed process for spending CIL receipts.

A view was expressed that, if approved works were not completed by specified deadlines, a report should be submitted to Members on the reasons why together with associated recommendations. The Strategic Director Place undertook to provide progress reports accordingly.

Reference was also made to the process for applications for CIL funding and the modified guidelines. Members expressed the view that the process should be simplified by working together with community groups. This principle should also be applied to the process for accessing funding from the Community Forums.

**Resolved**

- (1) That the reviewed process for spending CIL receipts, to include twice-yearly bidding and funding cycles together with the proposed timetable, be approved.
- (2) That the rolling forward of remaining CIL monies to the next financial year for consideration of spend be approved.
- (3) That a sum of up to £496 Capital and Revenue Infrastructure CIL receipts be transferred to Woodsetton Charitable Trust, following receipt of costings and completion for a replacement notice board and relocation to the junction of Setton Drive, Turl's Hill Road and Queens Road.
- (4) That a sum of £44,500 Capital and Revenue Infrastructure CIL receipts be transferred to Dudley Metropolitan Borough Council following receipt of detailed costings and completion of works for Round Oak Steelworks Memorial (Public Art) at Dudley Road (opposite the Fire Station).
- (5) That a sum of £200,000 Capital and Revenue Infrastructure CIL receipts be transferred to Dudley Metropolitan Borough Council following receipt of detailed costings and completion of works for a flood management and sustainable drainage scheme at Delph Road and Turners Lane.



- (6) That the Strategic Director Place submit regular monitoring reports and that recommendations be made to the Cabinet on any proposals to reallocate resources to alternative projects in the event that work is not completed by July, 2021.
  - (7) That the Place Scrutiny Committee be requested to consider the bidding and grant application processes for community group funding with a view to this being simplified wherever possible.
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## 9 **Future Council 2030**

A report of the Deputy Chief Executive was submitted on the progress of work to ensure that the Council had the organisational capability to ensure the successful delivery of the Borough Vision and Council Plan.

The report outlined key themes that had emerged from this work and sought approval to the approach for developing and implementing the programme of work to ensure that the organisation was fit for purpose. The Cabinet considered the development of a transformation programme to deliver the Future Council 2030 and Council Plan 2019/22 aspirations and outcomes.

Reference was made to the need to clarify the term 'affordable transport'. Comments were made on the evolving work, including the need for a detailed capability assessment to assess organisational capacity to implement the Borough Vision and Council Plan.

The Cabinet acknowledged the points raised and emphasised that this would be a cross-party, Member-driven process requiring significant commitment from Members, Chief Officers and partners. A capability assessment would assist to identify if the organisation had the necessary skills to deliver the required outcomes or if any additional support was required.

Work to develop implementation plans would need to include Key Performance Indicators and timescales to ensure that incremental changes were monitored and implemented for the benefit of residents. The next steps would involve detailed consideration of how priorities and objectives could be delivered. There was a shared commitment to promoting the Borough on a local, regional, national and international level.

Draft delivery plans would be reported to the Corporate Scrutiny Committee later in the year and discussions were ongoing with the Chief Executive. Key Performance Indicators would be built into each theme and be the subject of ongoing review.

### **Resolved**

- (1) That the work undertaken to date to assess the organisational capability to deliver the Dudley Borough Vision and Council Plan be noted.

- (2) That the key themes identified within the report as the priority areas for further development be endorsed.
  - (3) That the background and learning in relation to the Transforming for the Future Programme be noted.
  - (4) That the proposed approach for developing and implementing the combined programme of work required to develop Future Council 2030 and refreshed transformation programme be approved.
  - (5) That the Deputy Chief Executive / Strategic Director Place be authorised to be the 'sponsor' for this work.
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#### 10 **Member Officer Charter**

A report of the Chief Executive was submitted on the adoption of the Member Officer Charter, initially on a pilot basis, subject to annual review as part of the Constitution.

##### **Resolved**

- (1) That the Charter be amended to reflect the comment that 'Members are democratically elected politicians who give overall direction to the Council using their knowledge of the needs and aspirations of the communities they represent'.
  - (2) That the Council be recommended to adopt the amended Member Officer Charter on a pilot basis subject to consideration as part of the annual review of the Constitution in November, 2019.
  - (3) That, subject to the above, the Member Officer Charter be incorporated in the Constitution to replace the former Protocol on Member/Officer Relations.
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#### 11 **Proposed Changes to the Structure and Governance of the Children's Corporate Parenting Board**

A report of the Lead for Law and Governance was submitted on changes to the structure and governance arrangements for the Children's Corporate Parenting Board to raise the profile of the Board within the local authority.

##### **Resolved**

That the Council be recommended to approve:

- (1) The establishment and structure of the Children's Corporate Parenting Board as a formal Committee of the Council.

- (2) The Membership of the Board to comprise 12 Members (six from each Group).
  - (3) The terms of reference and governance arrangements be included in the Constitution.
  - (4) Two programmed meetings of the Children's Corporate Parenting Board to be held each year.
  - (5) The dates of meetings of the Children's Corporate Parenting Board for the 2019/2020 municipal year be 2<sup>nd</sup> September, 2019 at 4pm and 25<sup>th</sup> March, 2019 at 4pm.
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12 **Questions by Members at Full Council – Review of Council Procedure Rule 11**

A report of the Overview and Scrutiny Management Board was submitted on the future procedure for dealing with Questions by Members at full Council.

**Resolved**

- (1) That the recommendations of the Overview and Scrutiny Management Board be endorsed and the revised procedure be adopted with effect from the Council meeting on 8<sup>th</sup> July, 2019.
  - (2) That the amendments to Council Procedure Rule 11 be submitted to full Council in due course as part of the annual review of the Constitution.
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13 **Appointment of Council Representatives to Other Bodies**

A report of the Lead for Law and Governance was submitted on the appointment of Council representatives to other bodies.

**Resolved**

That the report be noted.

The meeting ended at 7.40 p.m.

LEADER OF THE COUNCIL

## **Minutes of the Meeting of the Cabinet**

**Wednesday, 11<sup>th</sup> September, 2019 at 6.00 pm**  
**In Committee Room 2 at The Council House, Dudley**

### **Present:**

#### **Cabinet Members**

Councillor P Harley (Leader – Chair)  
Councillor D Vickers (Deputy Leader – Vice-Chair)  
Councillors N Barlow, R Buttery, I Kettle, A Lees, S Phipps and K Shakespeare

#### **Opposition Group Members Nominated to attend the Cabinet**

Councillors K Ahmed, S Ali, C Bayton, K Casey, J Foster, B Gentle, P Lowe, J Martin, S Ridney and Q Zada

#### **Observers**

Councillors J Cowell, A Finch and S Keasey

#### **Officers**

K O'Keefe – Chief Executive, M Samuels – Strategic Director People,  
I Newman – Chief Officer Finance and Legal Services, M Williams – Chief Officer  
Environmental Services, M Farooq – Lead for Law and Governance/Monitoring  
Officer, J Catley - Head of Customer Connected Services and S Griffiths –  
Democratic Services Manager

#### **14     Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors S Clark and L Taylor.

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#### **15     Changes in Representation of Opposition Group Members**

There were no changes in the representation of Opposition Group Members.

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#### **16     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.

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17     **Minutes**

**Resolved**

That the minutes of the meeting of the Cabinet held on 27<sup>th</sup> June, 2019 be approved as a correct record and signed.

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18     **Capital Programme Monitoring and Revenue Funding Bid**

A joint report of the Chief Executive and the Chief Officer Finance and Legal Services was submitted on the implementation of and proposed amendments to the Capital Programme together with the approval of a bid for revenue funding.

The following points were noted during discussion of this item:

- Queries were raised concerning funding for the Wednesbury to Brierley Hill Metro Extension (including a risk analysis relation to the HS2 project), expenditure identified as 'at risk' in connection with the Very Light Rail (VLR) Test Track 2 project and the implications of the potential loss of European Social Funding for the Black Country Impact programme. The Leader requested that Officers provide a briefing to the Opposition Spokesperson for Finance, Council Sustainability and Transformation.
- Issues were raised concerning Leisure Centres, including the need to share the detailed business plan and to clarify the forecast cost of £31.3m as referred to in the report. In relation to Dudley Leisure Centre, reference was made to the need to review the provision of a 24/7 hour gymnasium and undertake further discussions with the Clinical Commissioning Group (CCG) concerning health/General Practitioner provision in the new Leisure Centre, including a facility for the initial treatment of sporting injuries.
- Reference was made to the need for further strategic discussions in relation to the Multi-Specialty Community Provider with a view to the wider integration of various plans and projects.
- The Closed Circuit Television (CCTV) Control Room Project was welcomed, however, it was essential that Ward Councillors were consulted on the siting of cameras within the Borough.
- In connection with the Dudley Townscape Heritage Initiative, concerns were expressed regarding the proposed project for the former Crown Public House. The Strategic Director Place would provide further information.

## **Resolved**

- (1) That the Council be recommended:
  - (a) That current progress with the most significant capital schemes be noted.
  - (b) That the Boundary Signage project, as set out in paragraph 8 of the report, be approved and included in the Capital Programme.
  - (c) That subject to grant funding being confirmed, £2.33m of expenditure relating to the Very Light Rail Test Track 2 be included in the Capital Programme, and that pending such confirmation expenditure up to £250,000 be authorised 'at risk', as set out in paragraph 9 of the report.
  - (d) That the capital budget for the Leisure Centre replacement and refurbishment project be increased as set out in paragraph 11 of the report.
  - (e) That the urgent amendments to the Capital Programme be noted.
- (2) That the Strategic Director Place be authorised to continue developing an application for an extension of the Black Country Impact project to 2023, submit the proposal to the Department for Work and Pensions by the deadline of 26<sup>th</sup> September 2019, and in the event that the bid is successful, accept the funding, enter into relevant funding agreements with partners, and deliver the funded programme expenditure.

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### **19     Adult Social Care Peer Challenge Feedback – 17<sup>th</sup> – 19<sup>th</sup> July, 2019**

A report of the Strategic Director People was submitted on feedback from the Adult Social Care Peer Challenge undertaken during July, 2019. Findings were summarised in the report and these would be set out in formal letter to the Council to be published in due course.

Members acknowledged the positive report and expressed thanks to all staff involved. Assurances were given that the identified opportunities and challenges would be addressed as a matter of urgency as part of the ongoing improvement plan and in line with other corporate developments. A report would be submitted to the Health and Adult Social Care Scrutiny Committee.

## **Resolved**

- (1) That the findings from the Peer Challenge be noted.
- (2) That the Chief Officer Adult Social Care be authorised to drive the improvements identified in the report.

- (3) That the Leader and the Cabinet Member for Health and Adult Social Care write formally to the adult social care workforce to acknowledge the excellent outcome of the challenge.

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20     **Response to Local Government and Social Care Ombudsman Report**

A report of the Strategic Director People was submitted on a response to the Local Government and Social Care Ombudsman Report (Reference No.17016386).

Members emphasised the need to ensure that changes within the Special Educational Needs and Disability (SEND) service were fully implemented to prevent any repeat of the circumstances of this case. Comments were also noted concerning future working arrangements between Members and Officers.

**Resolved**

- (1) That the findings and recommendations in the Local Government and Social Care Ombudsman's report be accepted.
- (2) That the actions taken to remedy the performance of the Council be endorsed.
- (3) That the wider actions taken to improve the quality of the Special Educational Needs and Disability (SEND) service be approved.

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21     **Local Area Special Education Needs and Disability (SEND) inspection**

A report of the Strategic Director People was submitted on the outcome of the joint inspection undertaken by Ofsted and the Care Quality Commission (CQC) to judge the effectiveness of the provision for children and young people with Special Educational Needs and/or Disabilities (SEND). The report detailed the actions being taken to produce a draft statement of action in response to the findings and a more comprehensive Post Ofsted Action Plan (POAP).

Members noted significant concerns arising from the inspection and supported action to address the concerns and areas for improvement as a matter of urgency. Reference was made to the need to address cultural change within Children's Services and to ensure accountability in delivering the improvements over a two-year period.

**Resolved**

- (1) That the key areas of strength and weakness from the Ofsted inspection, together with the requirement to submit a Written Statement of Action, be noted.

- (2) That the timetable of suggested actions for developing the Written Statement of Action be approved.
- (3) That the Head of Education Outcomes be authorised to lead on the Written Statement of Action for the local authority (LA) within the agreed timetable, involving collaborative working with Head of Whole Life Disability (LA operational lead for SEND), Head of Integrated Commissioning, Performance and Partnerships (LA commissioning lead for SEND), officers from Health and Wellbeing, the SEND Implementation Group, the Parent Carer Forum and the Dudley Clinical Commissioning Group.
- (4) That the list of actions identified for the Post Ofsted Action Plan (POAP) for the Local Area SEND Inspection, together with the opportunity to shape some of the key actions before the first draft of the POAP is completed, be noted.

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22     **The Local Government and Social Care Ombudsman's Annual Review Letter 2019**

A report of the Strategic Director Place/Deputy Chief Executive was submitted on the Annual Review Letter for 2019 from the Local Government and Social Care Ombudsman. The report contained information about complaints received against the Council and dealt with by the Ombudsman's office for the period 1<sup>st</sup> April, 2018 to 31<sup>st</sup> March, 2019.

Officers noted the request for a more detailed analysis in future reports, including an anonymised summary of complaints that had been upheld following a detailed investigation by the Ombudsman.

**Resolved**

- (1) That the report and the Annual Review Letter from the Local Government and Social Care Ombudsman be noted.
- (2) That the Strategic Executive Board and Chief Officers continue to ensure that requests for information on complaints are dealt with by the date requested to ensure that the Council maximises its performance on response times and the remedy of complaints is maintained.
- (3) That all Directorates continue to monitor and review their complaints actively to underpin ongoing good practice to achieve timely local resolution of complaints wherever possible.



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23     **The Dudley Group NHS Foundation Trust – Care Quality Commission Report**

A report of the Health and Adult Social Care Scrutiny Committee was submitted on the recommendations following a detailed scrutiny of the Dudley Group NHS Foundation Trust – Care Quality Commission Report.

Thanks were expressed to the Chair and Members of the Scrutiny Committee. The improvement of services provided in Dudley Borough Hospitals would be the subject of an ongoing process of scrutiny and review.

**Resolved** that the recommendations of the Health and Adult Social Care Scrutiny Committee, as set out below, be endorsed:

- (1) To welcome the assurances given by the Dudley Group National Health Service (NHS) Foundation Trust on the changes being implemented to respond to the Care Quality Commission (CQC) inspections and support the continuous improvement of the services provided in Dudley Borough Hospitals.
- (2) To place on record the appreciation of the hard work and dedication of all staff involved.
- (3) To support the proactive and collaborative approach to partnership working between the NHS, the Council, the Clinical Commissioning Group and all partners to continue the improvement journey following the CQC report.
- (4) To endorse the further development of a joint, co-ordinated strategy to reduce the numbers of people who attend the Emergency Department unnecessarily and at the right stage in health.
- (5) To note that a detailed action plan has been submitted to the CQC and that arrangements are in place to ensure the ongoing monitoring of progress.

The meeting ended at 7.10 p.m.

LEADER OF THE COUNCIL

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

**Monday 1st July, 2019 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:**

Councillor A Millward (Chair)  
Councillor P Sahota (Vice-Chair)  
Councillors J Baines, P Bradley, J Cooper, S Craigie, Z Islam, K Lewis, C Perks  
and S Ridney together with M Hammond (Parent Governor Representative for  
Secondary Schools).

### **Officers:**

H Ellis – Interim Chief Officer Children's Services, D Harkins – Chief Officer  
Health and Wellbeing and Director of Public Health, N Hoskinson – Head of  
Education Outcomes, B Kaur – Head of Service Children and Young Peoples  
Public Health, M Samuels – Strategic Director People (All People Directorate);  
and K Buckle – Democratic Services Officer (Chief Executive's Directorate).

### **Also in Attendance**

Councillor R Buttery – Cabinet Member for Children and Young People together  
with three members of the public.

### **Invitees**

Councillor P Lee  
One representative of Dudley Youth Council

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#### 1. **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors  
M Aston and V Wale.

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#### 2. **Appointment of Substitute Members**

It was noted that Councillors J Baines and Z Islam had been appointed as  
substitute Members on behalf of Councillors V Wale and M Aston respectively for  
this meeting of the Committee only.

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#### 3. **Declarations of Interest**

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

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4. **Minutes**

**Resolved**

That the minutes of the meeting held on 6th March, 2019, be approved as a correct record and signed.

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5. **Change in Order of Business**

Pursuant to Council Procedure Rule 13(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.

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6. **Children's Services Update**

Strategic Director People addressed the Committee, providing an update on the developments within Children's Services and reported on the following:-

- The publication of the report by HM Inspectorate for Probation for the Youth Offending Service Inspection had taken place, following the inspection in April. There were clearly areas that required improvement, however the Service had travelled a long way, with considerable improvements being made. The Service was committed to making further improvements. It was noted that the Service was only three points away from being declared 'Good'.

There would be a media release in relation to the Service Inspection and Members were invited to read the report.

- The SEND service in Dudley required improvement and the issues will be considered by the Cabinet in September. A joint Inspection of the SEND Service by the Care Quality Commission and Ofsted had taken place in May and the results would be published shortly. There remained a long way to travel in relation to improving the Service.

It was noted that currently there were a number of children and young people who had not received confirmation of a school place for September, 2019, which was not a satisfactory position. However, additional members had joined the team in order to strengthen the Service. There had been weaknesses in terms of lack of communication with parents/guardians and there was now a clear instruction that every parent of a child/young person without a school place for September be contacted in order that work could

be conducted to ensure that they all had a school place by the end of the Summer term.

It was stated that considerable time, effort and focus on SEND, to escalate fast progress with the Service was being made.

- In relation to staffing changes, Sue Butcher, former Chief Officer Children's Services had left the Authority in April, having succeeded in her role to improve the Service and would now be working with another Authority. Helen Ellis had been appointed as Interim Chief Officer Children's Services and was introduced to Members.

It was noted that Helen Ellis had been extremely successful in her previous role. There had been a new recruitment to lead on Improvement and Innovation within Children's Services.

Howard Woolfenden Head of Children and Young Peoples Safeguarding and review would leave the Authority at the end of August and a highly experienced Officer had been identified for this position.

- The Wider Inclusion Strategy would deal with the whole issue that Dudley Schools address the needs of all children and young people, with the strategy currently being consulted upon.
- Dudley had been selected to take part in a national Early Years Transformation Academy to ensure that children were ready to learn.
- The Children's Services key Workforce and Development Team (the Centre for Professional Practice) had been recognised for a national MJ Award, achieving second place at the Awards Ceremony. It was noted that the Service had made rapid improvements travelling a very long way.

## **Resolved**

That the information reported at the meeting be noted.

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## **7. Public Forum**

Representatives from 'We Love Carers' and a Specialist Teacher were in attendance at the meeting and collectively referred to the following:-

- Parents had expressed concerns that they had not been offered a school place for their child for September;
- concerns that children were placed in mainstream education provision that was unsuitable for their needs;
- the amount of successful applicants obtaining Education and Health Care Plans at Tribunals that remained waiting for those Plans to be instigated;

- some of those children in mainstream education have extreme behavioural problems posing not only a danger to other pupils but also staff at the school;
- some schools suggesting to parents that they home educate those children with behavioural issues and problems;
- Out of twelve children identified for specialist educational provision, four would be entering mainstream education in September, 2019;
- concerns in relation to children being excluded from nursery provision.

Those present were recommended to conduct conversations with Officers following the meeting, in relation to individual cases of concern.

The Strategic Director People referred to the difficult and important area of SEND, providing re-assurance that a child currently in specialist school provision would not be removed as long as it was the most appropriate facility and environment for their needs.

Work would continue on the basis that every child would have a suitable school place for September. The position in relation to home educating was one for the parent/guardian to decide. The assumption was that a suitable school place would always be offered.

Funding for SEND was part of the Dedicated Schools Budget and was ring fenced. The Department for Education rules state that the budget cannot be overspent by more than a fixed percentage and currently Dudley were working within that ring fenced budget.

Dudley had a higher proportion of children attending Special Schools, with 793 Special School places in the Borough and the Inspector had indicated that those numbers were significantly higher than in comparable council's elsewhere in the country.

There was no intention to place children into mainstream schools when they required specialist provision, however work in relation to changing attitudes in some schools relating to SEND would be necessary.

The Cabinet Member for Children and Young People referred to the new Ofsted Inspection Framework that would be introduced. This would have the effect of discouraging schools from excluding pupils, making them more accountable for their support to all pupils, and removing the incentives for them to suggest home education.

It was noted that an Education Action Plan would be introduced in September, with the requirement for children entering education with the appropriate provision, being built into that Plan.

A Member stated that the Borough's Special Schools were the victims of their own success and reiterating assurances that should children require specialist support, they would be placed into mainstream education if appropriate with that support.

The Strategic Director People referred to the processes for Education Health and Care Plans, advising that from 1<sup>st</sup> April, 2019 a new operating system had been put in place and all final plans were on course to be issued within 20 weeks of the initial request, thereby meeting the statutory expectation.

It was stated that many children should be attending mainstream schools with the correct support, rather than building further specialist provision, with the aim being to reduce demand on that provision. It was noted that evidence nationally suggested that, with the appropriate support, many children with special needs achieved better outcomes if they remained in mainstream education rather than entering the specialist school system, notwithstanding the high quality of those schools.

There was the need to change the culture in relation to mainstream provision and in due course that would enable the Service to work with the budget provided.

### **Resolved**

That the information reported on at the meeting, be noted.

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## **8. Dudley Child Health Profiles**

A report of the Strategic Director People was submitted on the findings of the Public Health England child health profiles for Dudley.

The Chief Officer Health and Wellbeing and Director of Public Health referred to the Health Profiles intending to facilitate conversations to highlight local issues and priorities to help formulate a scrutiny programme for Members.

The report summarised in which areas there was either good or poor performance in relation to a child's health and wellbeing.

It was noted that Dudley did significantly worse in infant mortality rates, however there were indications that improvements may be emerging in relation to mental health.

Although Public Health England had provided the Child Health Profile data, it was noted that some of the data referred to 2015 and Members requested that more up to date data be provided. The Chief Officer noted that more recent data could be provided for Dudley, but it would not be possible to compare this with the situation in other boroughs, as the latest comparisons were those already provided by Public Health England.

Arising from the presentation of the report and appendix to the report submitted Members asked questions and raised concerns and Officers responded as follows:-

- Dudley was compared with their statistical neighbours, those Authorities with similar populations to Dudley, as selected by Public Health England.
- Although the absolute numbers in relation to infant mortality were relatively small, the rate of deaths in infancy per 1000 live births was still greater than comparable Authorities.
- As the data provided was national, the comparable Authorities would not be neighbouring Authorities but those with a similar population to Dudley.
- Universal work was being undertaken around Family Centres and as Health Visitors were sometimes in situ at those centres, this would be promoted along with the other activities and services available;

It was suggested that a joint Working Group meeting of the Children's Services and Health and Adult Social Care Scrutiny Committees take place in relation to child poverty, infant mortality, sexual and mental health and breastfeeding. The possibility of Task and Finish Groups taking place to formulate recommendations to Scrutiny in relation to each theme referred to above, was also referred to.

#### **Resolved**

- (1) That the information contained in the report and Appendix to the report submitted on Dudley Child Health Profiles, be noted.
- (2) That Democratic Services arrange a joint meeting of the Children's Services and Health and Adult Social Care Scrutiny Committees, to consider the health profile themes referred to above.

#### **9. Annual Scrutiny Programme 2019/20**

A report of the Lead for Law and Governance was submitted on the Annual Scrutiny Programme detailing items for consideration by this Committee during 2019/20.

In referring to the Children's Services (Scrutiny Development) Working Group, it was considered that the Group be re-established to supplement the work of the main Children's Services Scrutiny Committee, and the Chair of the Working Group should be a nomination of all Members of the main Committee.

Members were invited in advance to advise which Working Groups they would attend.

#### **Resolved**

- (1) That the items to be scrutinised by this Committee in the Annual Scrutiny Programme for 2019/20, be noted.

- (2) That the Committee confirm the programme of business as outlined in paragraph 10 of the report submitted, subject to the need for flexibility to reflect any changes that might arise during the municipal year.
  - (3) That the proposed arrangements for joint meetings of the Children's Services and Health and Adult Social Care Scrutiny Committees be held to consider items outlined in paragraph 11 of the report submitted, be approved.
  - (4) That Scrutiny Development Working Group(s) be established to provide for the informal consideration and formulation of recommendations to this Committee in relation to items outlined in paragraph 12 of the report submitted, and to comprise of those Members of the Committee who have a particular interest in the items to be considered at respective meetings.
  - (5) That the role of Chair of the Children's Services (Scrutiny Development) Working Group be rotated between all Members of the Committee.
  - (6) That the Lead for Law and Governance, in consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2019/20 municipal year.
  - (7) That the terms of reference for the Children's Services Scrutiny Committee, as set out in the Appendix to the report submitted, be noted.
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## 10. **School Readiness in Dudley**

A report of the Strategic Director People was submitted on a snapshot of school readiness in Dudley; describing the importance of school readiness; providing an update on places to improve school readiness and sharing Dudley's successful bid to support transformation of the maternity and early years system and contribution to school readiness outcomes.

The Interim Chief Officer Children's Services and the Head of Education Outcomes jointly presented the report submitted making particular reference to the following:-

- Dudley had been selected to participate in a national programme to improve school readiness outcomes, having been successful in a bid for the programme being run by the Early Intervention Foundation (EIF), a national organisation that helped local areas identify what programmes would work for their children and young people.
- Dudley was one of five areas selected to partner the EIF Academy in a 12 month system transformation programme. Each area in the region would utilise the support to develop their own programme, focusing on local



outcomes. The three aspirations for the transformation work in order to develop the programme were referred to.

- From the data examined it had been evidenced that good mental health in young mothers improved school readiness and this would be embedded into the proposed Parenting Programmes.
- There were some very inclusive schools in Dudley, however school readiness in Dudley was poor compared to the rest of the West Midlands and England. The focus would be holistically on the education path from 0 to 25.

The Head of Service Consultant in Public Health requested Members views on how they could contribute to the processes outlined above.

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

In relation to the characteristics of school ready children, it was noted that should a child not meet one of the characteristics, that would not necessarily result in a child not being school ready.

The Head of Service Consultant in Public Health, referred to the need to focus on a child's environment prior to them entering reception class at school or nursery and a deep dive exercise would be conducted in that area.

Academies would also be involved with the Education Action Plans.

With regard to Toddler Groups and whether those were making a difference to school readiness, the Interim Chief Officer Children's Services confirmed that she would check whether there was a register of those groups, in order to conduct a mapping exercise.

A Member suggested that work should be conducted to focus on ethnicity in Wards, ensuring that mothers were signposted to appropriate services.

Members referred to the complex area of school readiness and encouraged focusing on a holistic approach, investigating all areas that could impact on school readiness.

A Member echoed the need for recognition nationally that families were being affected right across the Borough.

Some children attending nursery who could not interact with other children due to speech difficulties and those that had mental health problems at such a young age were referred to.

A suggestion to conduct work with children's carers in order for them to understand and take responsibility for a child being school ready was made.

A request to examine data for the previous three years. Partnership working was welcomed and a suggestion that key Community Groups be approached.

Following a suggestion in relation to scrutinising the Action Plans, the Chair suggested that a report be submitted to the September/November meeting of the Committee, detailing the work carried out within the various Wards in the Borough, providing statistical information on improvements in Wards in order to demonstrate best practice.

The Chair suggested that all Elected Members be contacted in order to gather intelligence on Toddler Groups and other activities taking place in their areas.

The Head of Service Consultant in Public Health referred to an event taking place on 19th July, 2019 that would engage with families and communities involving voluntary organisations. An invitation to that event would be forwarded to Members of the Committee.

It was agreed that Members would suggest any areas that they may wish to scrutinise on the work being planned to improve school readiness, following consideration of the report and further information referred to above.

### **Resolved**

- (1) That the report submitted on School Readiness in Dudley, be noted.
- (2) That the Strategic Director People, be requested to submit a report detailing the work carried out within the various Wards in the Borough, providing statistical information on improvements in Wards in order to demonstrate best practice, to a future meeting of the Committee.
- (3) That the Interim Chief Officer Children's Services be requested to ascertain whether there was a register of Toddler Groups, in order to conduct a mapping exercise and provide details of best practice, to a future meeting of the Committee.

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The meeting ended at 8.15 pm

CHAIR

## **Minutes of the Corporate Scrutiny Committee**

**Tuesday 2<sup>nd</sup> July, 2019 at 6.00 p.m.**  
**In Committee Room 2, The Council House, Dudley**

### **Present:**

Councillor T Crumpton (Chair)  
Councillor E Lawrence (Vice-Chair)  
Councillors C Barnett, I Bevan, J Cooper, B Cotterill, P Drake, B Gentle,  
S Greenaway, Z Islam and P Lee.

### **Officers:**

I Newman – Chief Officer Finance and Legal Services, K Jesson – Strategic Business Partner and S Griffiths – Democratic Services Manager (Statutory Scrutiny Officer) (Chief Executive's Directorate).  
H Ellis – Interim Chief Officer Children's Services and N Hoskinson - Head of Education Outcomes (People Directorate)

#### **1      Apology for Absence**

An apology for absence was received on behalf of Councillor S Craigie.

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#### **2      Appointment of Substitute Member**

Councillor Z Islam served as a substitute member for Councillor S Craigie for this meeting of the Committee.

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#### **3      Declarations of Interest**

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

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#### **4      Minutes**

##### **Resolved**

That the minutes of the meeting of the Committee held on 7<sup>th</sup> March, 2019, be approved as a correct record and signed.

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#### **5      Public Forum**

There were no issues raised under this agenda item.

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**Corporate Quarterly Performance Report Quarter 4 – 2018/19**

The Committee considered the Quarter 4 Corporate Quarterly Performance report covering the period 1<sup>st</sup> April, 2018 to 31<sup>st</sup> March 2019.

The Strategic Business Partner presented the report and highlighted various issues. The Chair indicated that this meeting would focus on the performance indicators relating to Children's Services. Officers from the People Directorate were in attendance to respond to questions from the Committee.

**Performance Indicator 154 – Care Leavers in Education Employment or Training**

The report indicated that although performance was close to the national average, there were challenges in meeting ambitious local targets. A total of 130 care leavers were not in education, employment or training. This was broken down into 15 with illness or disability; 74 with other circumstances; 19 pregnancy or parenting and the remaining 22 not in touch with the local authority. The Committee queried these categorisations and indicated that further data would be useful to understand the specific issues involved. It was noted that the categories were defined nationally.

Reference was also made to corporate activity to increase opportunities for care leavers to secure employment, training and apprenticeship opportunities. The Committee suggested that this issue be raised with the Corporate Parenting Board to consider how opportunities could be maximised. The Interim Chief Officer Children's Services reported on work already undertaken and the need to develop a package of corporate 'wrap around' support for care leavers. The Chair also suggested that this responsibility should be included in future corporate leadership training for managers. The Committee acknowledged that achieving improvements in this Performance Indicator would be a lengthy process.

**PI.120 - 16 to 18 Year-Olds who are Not in Education, Employment or Training (NEET)**

The Committee noted that the trend was shown as 'worsening' and queried the underlying reasons and proposed measures to identify and implement improvements. The Chair indicated that it would be useful to know the numbers involved and their geographical location in the Borough.

Reference was made to the Black Country Impact project to help young adults in gaining skills to get into work and the potential implications of the loss of European funding.

### **Performance Indicator 863 - Proportion of Children and Young People who Attend a Good or Outstanding School**

The Committee queried the influence the local authority could have on this indicator given the conversion of schools to academy status and the loss of School Improvement Officer posts. Reference was made to ongoing partnership working with schools to prioritise actions, improvements and share best practice. Higher levels of support were considered if a school was identified as 'red rated' and action was also taken in respect of schools that did not engage. The Council's clear aspiration was to achieve better outcomes in all schools.

A discussion took place concerning the proposed closure of Stourbridge College. Reference was made to whether any risk/equality impact assessments had been undertaken and shared with the Children's Services Scrutiny Committee. The Head of Education Outcomes reported on the ongoing work to assess the impact, provide support and discussions with the Principals of Dudley and Halesowen Colleges to ensure they had capacity to employ staff and take students who previously attended Stourbridge College.

The Head of Education Outcomes also reported that it had been agreed, in principle, with the Cabinet Member for Children and Young People that meetings should be held with Ward Councillors about schools in their area. Detailed arrangements would need to be finalised.

The Committee requested that further consideration be given to the potential correlation between Performance Indicators 120, 863 and identified levels of poverty/deprivation in the Borough.

### **Performance Indicator 676 (children on Child Protection Plan whose latest 2 weekly minimum visit was within timescales)**

### **Performance Indicator 426 (Timeliness of Single Assessments - % Completed Within 45 Working Days)**

### **Performance Indicator 434 (Average time between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family)**

The Committee noted the worsening trend in respect of each of the above Performance Indicators. A discussion took place concerning the recruitment and retention of Social Workers and the use of agency staff. This was recognised as a wider issue and that local measures, such as flexible working, had not resolved problems with recruitment.

Ongoing work was taking place on a regional basis to attract Social Workers, however, it was acknowledged that there was a national shortage of staff in this area of work. This was linked to the level of remuneration offered by Dudley MBC. The Chair indicated that it would be useful for the Children's Services Scrutiny Committee to receive comparator information to analyse the proportion of agency staff employed over the last 10 years alongside the numbers/budget for Children in Care.

The Chief Officer Finance and Legal Services reported that the issue of Social Worker remuneration was complex and set in the context of the implications of the Single Status Pay and Grading review undertaken in 2012. The additional costs of employing agency staff were acknowledged. Market forces supplements could be considered in appropriate circumstances, however, this was also a complex issue. Further work was necessary to develop incentives and promote the benefits of working for Dudley MBC.

### **Resolved**

- (1) That the Quarter 4 Corporate Quarterly Performance report for 2018/19, covering the period 1<sup>st</sup> April, 2018 to 31<sup>st</sup> March, 2019, be noted.
- (2) That the Corporate Parenting Board be requested to consider further corporate activity to assist Care Leavers in accessing Education Employment or Training opportunities.
- (3) That the Children's Services Scrutiny Committee be requested to consider:
  - (i) The worsening trend in Performance Indicator 154 (Care Leavers in Education Employment or Training) and that more detailed data be provided on the categorisation of care leavers identified as being not in education, employment or training.
  - (ii) The correlation between Performance Indicator 120 (16 to 18 year olds who are not in education, employment or training), Performance Indicator 863 (Proportion of children and young people who attend a good or outstanding school) and identified levels of poverty/deprivation in the Borough.
  - (iii) The worsening trend in respect of Performance Indicators 676, 426 and 434 taking account of the issues identified above.

A report of the Lead for Law and Governance was submitted on items to be included in the Annual Scrutiny Programme for detailed considered by this Scrutiny Committee during 2019/20.

The Chair indicated that it was proposed to establish two Working Groups as follows:

- Procurement and Local Business - Chair: Councillor T Crumpton
- Dudley Council Plus Performance (including complaints) - Chair: Councillor Lawrence

The membership of the Working Groups would be confirmed by Democratic Services taking account of Members' preferences. Both Working Groups would meet to discuss their terms of reference and programme of work with a view to submitting emerging findings and recommendations to the Committee in January, 2020.

The Chief Officer Finance and Legal Services outlined the process for consultation on and approval of the Council Tax Reduction Scheme. This involved a report to the Cabinet in October, with details of the consultation process, including consideration by the Corporate Scrutiny Committee during November, 2019. The final document would be presented to the Cabinet and Council in February, 2020.

The Chair expressed the view that specific stakeholders, representative groups and other organisations, together with members of the general public, could be invited to attend the Scrutiny Committee as part of the consultation process on the Council Tax Reduction Scheme.

The Committee noted that the item on the Future Council 2030 delivery plans would be deferred and revisited later in the municipal year.

It was also suggested that the annual review of the Constitution be brought forward to the September meeting. The report to contain information about the protocols for the election of the Mayor/Deputy Mayor and the use of the casting vote at full Council meetings.

### **Resolved**

- (1) That the information contained in the report submitted be noted and the items in the Annual Scrutiny Programme for consideration by this Committee during 2019/20 be approved.
- (2) That the Procurement and Local Business Working Group and the Dudley Council Plus Performance Working Group be established for the 2019/20 municipal year, with memberships to be confirmed, and that the Working Groups report their emerging findings and recommendations to the Corporate Scrutiny Committee in January, 2020.

- (3) That the Committee confirm the programme of business below, subject to the need for flexibility to reflect any changes that might arise during the municipal year:

Thursday 19<sup>th</sup> September, 2019

Quarterly Performance Management Report  
Annual Review of the Constitution

Thursday 21<sup>st</sup> November, 2019

Council Tax Reduction Scheme  
Medium Term Financial Strategy

Thursday 23<sup>rd</sup> January, 2020

Report from Procurement and Local Business Working Group  
Report from Dudley Council Plus Performance Working Group  
Quarterly Performance Management Report  
Attendance Management Update

Thursday 19<sup>th</sup> March, 2020

Quarterly Performance Management Report  
Annual Report and Draft Scrutiny Programme 2020/2021

- (4) That the scheduling of the proposed item on Future Council 2030 delivery plans be the subject of further consultation with the Chair and Vice-Chair in due course.
- (5) That the Cabinet be recommended to make arrangements for the draft Council Tax Reduction Scheme to be circulated to a wide range of stakeholders, organisations and consultees together with information to publicise the consultation process and to invite participation in the Corporate Scrutiny Committee meeting on 21<sup>st</sup> November, 2019.
- (6) That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2019/20 municipal year.
- (7) That the terms of reference for the Corporate Scrutiny Committee, as set out in the Appendix to the report submitted, be noted.

The meeting ended at 7.55 pm

CHAIR  
C/6



## **Minutes of the Health and Adult Social Care Scrutiny Committee**

**Wednesday 10<sup>th</sup> July, 2019 at 6.00 p.m.**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:**

Councillor D Tyler (Chair)  
Councillor C Neale (Vice-Chair)  
Councillors C Bayton, R Body, B Cotterill, P Drake, A Hopwood, L Johnson, P Lee, P Miller, S Waltho; and S Pritchard.

### **Dudley MBC Officers**

M Samuels – Strategic Director People, M Bowsher – Chief Officer Adult Social Care, D Harkins – Chief Officer Health and Wellbeing (All People Directorate) and H Shepherd – Democratic Services Officer (Chief Executive's Directorate).

### **Also in Attendance**

L Broster – Dudley Clinical Commissioning Group (CCG)

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#### **1      Declarations of Interest**

Councillor D Tyler declared a non-pecuniary interest as he is Chair of Trustees at Dudley Mind.

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#### **2      Minutes**

##### **Resolved**

That the minutes of the meeting held on 10<sup>th</sup> April, 2019, be approved as a correct record and signed.

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#### **3      Public Forum**

No issues were raised under this agenda item.

The Chair commented that he would like to encourage public attendance at Scrutiny Committee meetings so that residents' views could be expressed and ideas of ways in which engagement with the public could be addressed were welcomed.

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**Annual Scrutiny Programme 2019/20**

A report of the Lead for Law and Governance was submitted on the proposed items for inclusion in the Annual Scrutiny Programme for the Health and Adult Social Care Scrutiny Committee during 2019/20.

The Chief Officer Adult Social Care gave a detailed presentation on the scrutiny function; the effectiveness of scrutiny and how to get it right; and outlined the statutory items to be considered by the Scrutiny Committee.

It was recognised that in previous years the Annual Scrutiny Programme had consisted of an excessive number of items for consideration, which increased throughout the year when further issues arose. To ensure effective scrutiny for the 2019/20 municipal year, it was suggested that, with the exception of statutory items, Members may wish to review each proposed individual item, to consider if the topic was a priority for the Scrutiny Committee. Items that were deemed appropriate for consideration by the Committee feedback should be provided in relation to the aspect of the topic the Committee wished to scrutinise and the form of evidence officers could provide to enable effective scrutiny and challenge.

The different ways in which scrutiny could be conducted were discussed, which included the opportunity to appoint working groups to allow Members to have an in-depth discussion of items in an informal setting, as well as holding joint meetings with other Scrutiny Committees, in particular Children Services, where topics overlapped.

A Member requested that an additional item be added to the Annual Scrutiny Programme, or included as part of an existing item relating to adult obesity, particularly within the 16 to 21 age range and the impact this had on the National Health Service (NHS). Details in respect of what was being done to address adult obesity, the interventions that had been implemented successfully and not so successful were all requested to be included. It was suggested that this issue be incorporated into the Promoting Physical Activity and Healthy Weight item that was scheduled to be considered in January 2020.

A Member commented that items submitted to Scrutiny Committees should not have already been agreed/approved at Cabinet. It was considered that the Multi-Specialty Community Provider (MCP) would provide the Committee with a real opportunity to scrutinise the process, at the appropriate time. The Chief Officer Health and Wellbeing commented that the MCP as a whole was extremely complex, however considered the integration of adult public health and Children's Services, into the care model, would be a good topic for the Committee to focus on.

The Chief Officer Adult Social Care outlined each proposed topic that had been programmed and Members made comments as follows:-

## **25<sup>th</sup> September, 2019**

- Impact of the Dudley Scams Team – although Members acknowledged that this topic was considered during the previous municipal year, due to the severe impact scam had on Dudley residents, it was considered important to receive an update on the progress and improvements that had been implemented to protect residents.
- The Dudley Group NHS Foundation Trust's Emergency Department Quality Improvement – Members unanimously agreed that the Committee should continue to receive updates on the performance at Russells Hall Hospital to monitor and ensure that the improvement plan implemented in light of ongoing quality concerns identified by the Care Quality Commission (CQC).
- Violence Prevention Strategy – It was considered that as this item would relate to the draft strategy, the Committee would have a real opportunity to influence the contents of the strategy. Members were interested in establishing what the Local Authority was doing to address violence, what plans were currently in place and what was planned for the future.
- Additional Winter Monies Evaluation – Members considered that this item was no longer required and the Committee could call in an item during the municipal year in the event that the current positive performance decreased.

## **20<sup>th</sup> November, 2019**

- Medium Term Financial Strategy – It was recognised that this item was a statutory requirement, however the Committee were reminded that focus should be around scrutiny of Adult Social Care and Public Health items only. The Chair asked Members to submit any detailed questions in advance of the meeting to Officers, so that a full response could be provided at the meeting.
- Annual Adult Safeguarding Report and Deprivation of Liberty Standards (DOLS) – It was acknowledged that this item was statutory, however it was suggested that a specific priority from the Adult Safeguarding Plan could be focused upon in greater detail.
- Breast Screening Incident - Members acknowledged that this topic was considered during the previous municipal year following a reported incident, however Members requested that an update and the progress in implementing the improvement plan to ensure a similar incident did not reoccur be provided.
- Overview of cancer screening programme – As a result of the breast screening incident, Members requested an overview of all other cancer screening programmes. Members requested that data be provided in relation to the uptake of cancer screening, the success rates and range of cancers detected as a result and what was being done to encourage more screening, particularly within the Black, Asian and Minority Ethnic (BAME) Communities.

- Long Term Plan/Operating Plan – This item was considered to be an important topic, as Members would have an opportunity to influence the plan whilst it was still in its draft form. It was noted that Dudley Healthwatch had been proactively engaged in the consultation process and it was suggested that a working group dedicated solely to this item be arranged for September, with a copy of Dudley Healthwatch's response circulated to Members. In considering the Membership of the Working Group, the Chair suggested that to ensure continuity, five or six members be appointed.
- Better Care Fund Plan - As this item would also be considered by the Health and Wellbeing Board, it was suggested that this item be removed from the scrutiny programme and revisited if any problems arose. It was requested that Dudley Health and Wellbeing Board provide feedback on any pertinent issues identified.

### **22<sup>nd</sup> January, 2020**

- Dudley Disability Service (Progress to update) and Special Educational Needs and Disabilities (SEND) and Quality of Maternity Care in Dudley – Due to the remit of the three items, it was noted that Children's Services Scrutiny Committee had requested joint meetings with the Health and Adult Social Care Scrutiny Committee to consider these items collaboratively. In referring to the Quality of Maternity Care, a Member requested that the Head of Midwifery be invited to the meeting to provide evidence. The Chair also suggested that special meetings of the joint scrutiny committees may be required to allow public attendance where necessary and therefore alternative meeting venues may be needed. It was suggested that the Queens Cross Network, Wellington Road be considered as an alternative venue and the ways of engaging with the public and the possibility of broadcasting meetings be explored.
- Dudley Blue Badge Service – Members acknowledged that this topic was considered during the previous municipal year, however new guidance with regard to the Blue Badge scheme was expected to be published imminently and therefore necessary to remain as an agenda item.
- Promoting Physical Activity and Healthy Weight/Reducing Adult Obesity – Members considered that this item would be quite lengthy and in-depth and may require a dedicated meeting. Members wished to develop a greater understanding of the obesity epidemic and requested that a GP's perspective be provided and that the Healthy Planner be invited to attend the meeting to provide evidence.

### **11<sup>th</sup> March 2020**

- Dudley Carers Hub – Members welcomed this item and requested that a Carer be invited to attend to provide feedback on behalf of users on the facilities and support available/provided.
- NHS Quality Accounts – It was acknowledged that this item was statutory and therefore necessary to remain as an agenda item.

- Changes to Primary Care Contracts – During the previous municipal year changes to primary care contracts had been considered at Working Group meetings on an ‘as and when’ basis. L Broster, Dudley Clinical Commissioning Group (CCG) confirmed that upon notification of a proposed closure, written correspondence would be circulated to Members of the Committee for information and comments. It was agreed that where possible a working group meeting would be convened within the required consultation period for Members comments to be expressed and to help influence the decision. However, if this was not possible then Members comments on the proposal could be provided electronically.
- Waiting/target times to transfer patients from ambulances to admission at Russell’s Hall Hospital – It was considered that this item would be more appropriate to be considered at the September or January meeting. Focus would be on changes to the West Midlands Ambulance Service, plus the impact of the CCG schemes.

It was agreed that a working group to consider the progress of the implementation of the MCP would be convened at an appropriate time following completion of check point two and that the Joint Safeguarding Arrangements would be incorporated into the Annual Adult Safeguarding Report and Deprivation Liberty Standards agenda item, rather than a stand-alone item.

L Broster, Dudley CCG referred to the Transforming Care Partnership and the public engagement that had commenced to inform the implementation of the clinical model and the proposed closure of Ridge Hill Centre. Members were advised that a joint meeting of the Black Country Authorities would be arranged to discuss the proposals and all Chairs of the Health and Adult Social Care Scrutiny Committees would be invited accordingly.

## **Resolved**

- (1) That the items to be scrutinised by the Health and Adult Social Care Scrutiny Committee as contained in the Annual Scrutiny Programme for 2019/20, be noted.
- (2) That the programme of business below, subject to the need for flexibility to reflect any changes that might arise during the municipal year, be confirmed:-

Wednesday 25<sup>th</sup> September, 2019

Impact of the Dudley Scams Team  
 The Dudley Group NHS Foundation Trust’s Emergency Department  
 Quality Improvement Plan  
 Violence Prevention Strategy  
 How West Midlands Ambulance Service prevent ambulance conveyancing to Russell’s Hall Hospital

Wednesday 20<sup>th</sup> November, 2019

Medium Term Financial Strategy  
Annual Adult Safeguarding Report and Deprivation of Liberty  
Safeguards and Impact of New Safeguarding Arrangements.  
Breast Screening Incident  
Overview of Cancer Screening Programmes

Wednesday 22<sup>nd</sup> January, 2020

Promoting Physical Activity and Health Weight/Reducing Adult  
Obesity  
Dudley Blue Badge Service

Wednesday 11<sup>th</sup> March, 2020

Dudley Carers Hub  
NHS Quality Accounts  
Annual Report and Draft Scrutiny Programme 2020/21

- (3) That the Health and Adult Social Care Scrutiny Committee Working Group be established for the 2019/20 municipal year, with memberships to be confirmed, to consider the following items and any other items deemed necessary throughout the municipal year:-

- Long Term Plan/Operating Plan
- Multi-Specialty Community Provider

and that the Working Group report their emerging findings and recommendations to a future meeting of the Health and Adult Social Care Scrutiny Committee.

- (4) That the proposed arrangements for joint meetings of the Children's Services and Health and Adult Social Care Scrutiny Committees to be held to consider items as outlined in paragraph 10 of the report submitted, together with an additional item in relation to the Quality of Maternity Care in Dudley, be approved.
- (5) That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2019/20 municipal year.
- (6) That the terms of reference for the Health and Adult Social Care Scrutiny Committee, as set out in the Appendix to the report submitted, be noted.
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The Scrutiny Committee considered a report of the Strategic Director People on the work of Dudley's Health and Wellbeing Board and the implementation of the Joint Health and Wellbeing Strategy.

The Chief Officer Health and Wellbeing gave a presentation and shared with Members local residents stories on how engaging with the community aided the achievement of the four principles of the strategy and assisted with the development of resilient communities. It was commented that Dudley Health and Wellbeing Board would explore at a future meeting what steps Dudley could implement to deliver the strategy goals and consider new ways of working and engaging with the community.

Following the presentation, a Member advised that an initiative to encourage communities to be independent and active, similar to that of Wigan Council's 'Deal for the Future' was currently being developed. The initiative was in working progress and therefore was not at an appropriate phase to be presented to the Committee.

The Chair referred to Community Forum Funding Grants that were available to Voluntary and Community organisations based in Dudley which should be promoted to support community groups. It was commented that there were a number of small community organisations which the authority had no control of or knew what was happening, particularly within the church community and at Community Centres.

The Chief Officer Health and Wellbeing advised that a Dudley Community Directory was currently being developed and anticipated to be launched in December. It was envisaged that the directory would collate all community groups and events on offer locally, so that residents could search for events/groups in their area. Members acknowledged that this was a huge task to be undertaken and would be difficult to achieve a one stop shop. The development of such an application was however encouraged and it was suggested that Community Centre Managers be contacted, together with the interfaith network as they would be aware of activities within their own communities.

In referring to the work undertaken by Dudley Health and Wellbeing Board with regards to promoting healthy weight and the whole systems approach to obesity, Members welcomed the appointment of a Healthy Planning Officer, but suggested that consideration be given to applying a levy to limit the number of fast food outlets within the borough.

In considering reducing the impact of poverty, a Member commented that the Local Authority should focus on ways in which to reduce poverty rather than address the impact of poverty. It was recognised that the number of residents that lived in poverty had increased and that the issue needed to be addressed as a priority by the Authority.

Arising from a question raised by a Member in relation to the effectiveness of open air gyms located in local parks and healthy hubs, the Chief Officer Health and Wellbeing agreed to provide available data on the usage of the gyms. It was commented that feedback from residents with regards to the reasons as to why they did not use the available facilities related to them not feeling safe within the environment. It was acknowledged however, that in some parks the gyms had had a positive impact and had helped to reduce anti-social behaviour.

Members commented on the initial installation of the healthy hubs and the lack of consideration for the provisions to be installed within smaller parks located in deprived areas. In tackling the issue of obesity within the Borough, Members considered it important for services including Greencare, housing managers and community centres managers to work collaboratively to address the issue and encourage the use of the available facilities.

### **Resolved**

- (1) That the progress made in implementing the Joint Health and Wellbeing Strategy, be noted.
- (2) That all decisions made to take account of the Health and Wellbeing Strategy goals and principles, be noted.
- (3) That Members of the Committee to act as champions and advocates for reducing loneliness and isolation, reducing the impact of poverty and promoting healthy weight, be agreed.
- (4) That support and advocating the four principles that set out the new ways of working, particularly working differently with communities to enable strong, connected and resilient communities, be agreed.

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## **6      Date of next meeting and proposed items to be considered**

### **Resolved**

That the date of the next meeting and the items for inclusion as outlined in minute no. 4, subject to the need for flexibility to reflect any changes that might arise, be noted.

The meeting ended at 7.50 p.m.

CHAIR



## **Minutes of the Health and Adult Social Care Scrutiny Committee**

**Wednesday 28<sup>th</sup> August, 2019 at 10.00 a.m.**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:**

Councillor D Tyler (Chair)

Councillors J Baines, H Bills, P Drake, P Lee, P Miller, G Partridge, S Ridney; and S Pritchard.

### **Dudley MBC Officers**

M Bowsher – Chief Officer Adult Social Care, D Harkins – Chief Officer Health and Wellbeing (People Directorate) S Griffiths – Democratic Services Manager and H Shepherd – Democratic Services Officer (Chief Executive's Directorate).

### **Also in attendance**

D Wake – Chief Executive, L Abbiss – Head of Communications, K Anderson – Head of Children's Services, N Hill – Matron, L Leddington – Matron, D Lewis – Head of Midwifery, B Mascaranas – Divisional Director, M Palak – Deputy Director of Operations, M Pinto – Matron, Dr A Singal – Medical Service Head, M Sexton – Chief Nurse, D Stanley – Consultant Critical Care, R Tomkins – Matron and Dr A Wolinski – Clinical Director (all Dudley Group NHS Foundation Trust).

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#### **7      Apologies for Absence**

Apologies for absence were received from Councillors C Bayton, R Body, B Cotterill, A Hopwood, L Johnson, C Neale and S Waltho.

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#### **8      Appointment of Substitute Members**

It was noted that Councillors H Bills, G Partridge, S Ridney and J Baines had been appointed as substitute members for Councillors C Bayton, R Body, B Cotterill and S Waltho, respectively.

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#### **9      Declarations of Interest**

Councillor D Tyler declared a non-pecuniary interest as Chair of Trustees at Dudley Mind.

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#### **10     Minutes**

##### **Resolved**

That the minutes of the meeting held on 10<sup>th</sup> July, 2019, be approved as a correct record and signed.

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11      **Public Forum**

No issues were raised under this agenda item.

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12      **The Dudley Group NHS Foundation Trust – Care Quality Commission Report**

The Chair outlined the purpose of the meeting, which was to consider the submissions and proposals to build good practice following the Care Quality Commission (CQC) comprehensive inspection undertaken January to February 2019 and to consider ways in which to improve the existing proactive and collaborative approach to ensure the best possible services were achieved and maintained in Dudley Borough Hospitals.

Following the introduction of Officers and Practitioners, the Chief Executive of The Dudley Group NHS Foundation Trust gave a brief overview of service challenges and opportunities and the mandatory targets that the Trust was required to deliver. Overall performance in the referral to treatment, Diagnostic Services, Cancer two week wait, were all reported to have achieved above the required target. A positive reduction in infection prevention rates, pressure ulcers, falls and hospital standardise mortality was also reported. The achievements attained in recent months were outlined, however it was recognised that there were a number of service areas that required improvement and that staff continued to work tremendously hard to improve performance levels and quality of care.

In referring to the latest CQC inspection and subsequent rating report published in July 2019, the Chief Executive stated that it was the Trust's aspiration to ensure all areas rated as 'Inadequate' or 'Requires improvement' to be re-rated as 'Good' or 'Outstanding' in future inspections. Representatives from each of the core services that formed part of the inspection were in attendance and gave a presentation on their individual service area and highlighted the improvement areas and actions implemented to address concerns.

**Diagnostic Services**

Dr A Wolinski, Consultant Radiologist, gave a detailed presentation on behalf of the Diagnostic Services and provided an overview of the services and the clinical staff structure. During the presentation it was commented that there had been an increase in demand for direct access to the service during 2018/19 in comparison to previous years and that the complexity of patient scans had significantly developed over time, with the number of Computerised Tomography (CT) scans conducted increased. Members were advised that Russells Hall hosted the Black Country Vascular Services, which was an around the clock service and was the hub for Wolverhampton and Walsall. It was recognised that there was a national shortage of trained/qualified consultant radiologists and radiographers. It was hoped that Magnetic Resonance (MR) scanning would also be able to be provided 24 hours at Russells Hall but that this was not the case at the current time.

In addressing the areas of concern identified from the CQC Inspection it was stated that:-

- The location and area size of the department at Russells Hall Hospital was considered to be insufficient for patient demand, but was regularly reviewed by the Trust together with alternative ways of working. The service was seeking additional space at the hospital, however space at the site was limited. An outpatient provision had been opened at the Guest Hospital to try to alleviate pressures at Russells Hall Hospital and to free facilities for hospital patient's use. It was stated that there had been dialogue with Dudley Clinical Commissioning Group (CCG) regarding the provision of additional community-based services and that the service was evolving although it was recognised that this would take time.
- A Governance Lead had been appointed and mandatory training completion rates had improved and were now recorded as 90% completed.
- New regulations had been deployed throughout the hospital and Radiation Protection Supervisors had been appointed in all areas where radiation was used.
- A full staff review had been conducted to rectify the flaws identified within the Leadership of the service with a number of new positions appointed to ensure the management of workloads.
- Staff now rotated around services and worked collaboratively, to ensure efficiencies and help personal development.
- The Trust were looking to appoint five additional consultant radiologists and had recruited ten radiographers with fifteen more newly created vacancies. Dedicated staff had been appointed to monitor patients in waiting areas.
- Staff now received daily briefings to discuss service issues and a newsletter was published on a monthly basis.
- One of the CT scanner machines had been replaced and two more upgraded machines awaited delivery.
- A CT scanner had been committed for inpatients/emergency use only, with an average of 34 scans conducted per day. As the demand for MRI scans was less, there was no dedicated machinery, however, the same level of inpatient access was provided.

Following the presentation, a patient gave his views on the service and commented positively on level of care that had been provided to him and his family and commended staff for the excellent work that they did.

Arising from the presentation, Members asked questions, made comments and responses were provided where appropriate as follows:-

- Members commented positively on the work that the service was doing to address concerns, although acknowledged that there was a shortage of trained radiologists and radiographers. The dissemination of radiation protection throughout all areas of the hospital was welcomed.

- The recruitment of nurses to care for patients whilst in the waiting area was considered to be a positive move forward and a long awaited enhancement to the service.
- It was confirmed that patients using the facilities at the Guest Hospital were encouraged to use the booking system and that the provision was currently based within one room. Collaborative work with Dudley CCG was to be undertaken to look at the whole borough geographically.
- The service was in the process of becoming completely digital and GP's should receive an electronic report within 24 hours of a scan being conducted.
- Reports for CT and MRI scans were currently outsourced due to lack of internally capacity. The company used, however, were also experiencing issues with capacity and were operating with a four week delay. The Trust had received assurances that turnaround times would improve to adhere to their contractual agreement.
- Emergency treatment to off-shore patients was provided free of charge, however, any on-going treatment would be chargeable. It was stated that this was a national instruction although a view was expressed that it should be reviewed.
- The Trust was proactive in visiting Schools and Colleges to promote services and encourage recruitment.
- The recruitment of nurses was a national issue with approximately 40,000 vacancies. Agency staff were only used where positions could not be filled internally and the agency bill had reduced significantly and was now approximately £800,000 per year.
- Providing GP's with access to scanned images had been trialled, however, this had not been well received and therefore only the written report was now provided.
- It was commented that there was always room for improvement in any service, but that the service did work in close association with GP's and met frequently to discuss how the imagining process could be improved.
- All aspects of the Diagnostic Service would be developed and it was envisaged that the implementation of the Sustainability and Transformation Partnership (STP) and collaborative working with other trusts would help deliver a higher quality of care. It was noted that there was an opportunity within the Black Country to develop a diagnostic hub with Dudley being a potential site which would further enhance the service provided locally, and be a positive and exciting opportunity.

- All new staff were required to attend a one day mandatory corporate training session, as well as a local induction in their particular service area. Basic Cardiopulmonary Resuscitation (CPR) training was included as part of the corporate training. It was also stated that new members of staff with the Diagnostic Service were allocated a mentor.
- A new CPR Manager was in progress of being appointed, therefore CPR training was currently being provided by an external training provider in the interim.
- Members were assured that everything was being done to address the criticism in respect to insufficient space at Russells Hall, with an increase in services being provided at alternative venues and within the community where possible.

### Emergency Department

Prior to the commencement of the presentation, the Chief Executive stated that the Emergency Department (ED) had initially been rated by the CQC as 'Inadequate'. As a result of the dedicated commitment of staff, significant progress had been made. ED had now been rated as 'Requires Improvement', and concern was expressed that this did not do justice to the work that had been undertaken by the staff.

The Matron and Medical Service Head for ED gave a detailed presentation on the journey of ED from 'Inadequate' to 'Requires improvement' and beyond and in doing so stated that two of the Section 31 notices had now been lifted in respect of safeguarding and specialist review within ED. It was confirmed that independent internal monitoring would, however, continue for both of these areas and it was assumed that the Section 31 notices relating to Sepsis and Triage would also be lifted following the next review inspection.

Statistical information was provided which identified that there had been a significant increase over a three year period of attendances to ED, which had impacted upon the performance levels within the department. It was recognised that the population was getting older, with people who experienced multiple problems. It was reported that ED was operating at a capacity in excess of 95% which had a negative impact upon the productivity of the service.

It was stated that it was the national standard to triage a patient within 15 minutes, which was a challenging target. Significant improvements had been made in all aspects of the triage process and 69-70% of patients were now triaged within a 15 minute timeframe.

Members were advised that a new triage model had been adopted by ED, which was similar to those in operation at best practice hospitals. The ED was working closely with the Cardiology team and the Cardiac assessment unit to drive triage performance and ensure patients were transferred to the correct department and received suitable care.

It was reported that a new ICT system had been implemented in May 2019, which had initially impacted upon triage performance targets. Performance targets had now started to improve. Members were asked to be mindful that triaging a patient within the 15 minute timeframe was sometimes difficult to achieve as it involved obtaining a patients history, bloods and observations and was not considered to a prolonged period to complete a full and accurate assessment.

In referring to Sepsis and deteriorating patients, it was reported that figures were at an all-time low for ED and were reported to currently be the lowest in the West Midlands region. The organisation had worked hard to achieve these results together with a significant amount of financial investment being made to increase the workforce and the appointment of two Band 7 employees to support the delivery of the Sepsis 6 protocol.

Members were advised that weekly audits were undertaken on Sepsis 6 performance, to ensure monitoring observations was carried out as standard and that performance was challenged to inspire improvement. Regular 'huddles' with staff were called throughout the day to provide support and to consider the care of individual patients.

It was reported that the Urgent Care Centre operated 24 hours a day which did alleviate some pressure within the ED, as it would treat patients suffering with non-emergency minor illnesses and injuries, however patients needed to be educated as to where to go for the appropriate level of care.

It was recognised that there was still a lot of work to be done within ED, but Members were reassured that patients treated at the department were safe.

It was envisaged that by winter, ED would be fully staffed, although it was reiterated that there was a national shortage of trained medical staff and that upon a recent recruitment drive for a junior doctor, only one of the applicants had been located within the United Kingdom. This was considered to be a national problem. It was reported that new staff were required to attend a corporate induction as well as corporate study days and team simulation sessions. Significant investment had been made to increase staffing resources within ED in the hope to move away from the use of agency and bank staff.

As a result of the comments raised by the CQC, Staff appreciation and incentives had been implemented, with a breakfast club operated every morning and recognition awards presented to employees who had gone above and beyond their duty.

It was stated that capital for a rebuild had been secured to refurbish parts of the ED, which would be a two year project. A new cardiac assessment unit and paediatric area had been created to improve efficiencies.

Arising from the presentation, Members asked questions, made comments and responses were provide where appropriate as follows:-

- Members considered ED to be one of the most difficult areas to work and commended staff for the excellent work that they did.

- From a safeguarding perspective, Members welcomed the creation of a separate children area.
- If referring to the roles of the two newly appointed Band 7 employees it was stated that one would take charge of ED, whilst the second would ensure patient care was delivered appropriately and that they were updated accordingly to improve patient experience. Compliments received from patients had increased since the two new members of staff had been in post.
- A dedicated mental health room had now been designated for when dealing with patients with mental health issues and ED were working closely with Bushey Fields to ensure appropriate triage treatment was identified.
- Two Reminiscence Interactive Therapy Activities (RITA) were available within ED to be used when caring for elderly patients with cognitive impairments. RITA was an interactive touch screen system that allowed patients to enjoy relaxation music, watch TV/films and play games to help as a distraction.
- Key Performance Indicators were audited daily and weekly and were regularly challenged by the Executive Team. Mock peer reviews were undertaken for all care services to ensure care quality was improving.
- Members commented that action should be taken to reduce the number of people who attended the Emergency Department unnecessarily. It was stated that 20-30% of patients should not attend ED and that effort should be made to try to educate the public, together with collaborative working with other care partners/providers to improve care pathway provisions.
- It was reported that West Midlands Ambulance Service would be taking over the NHS 111 helpline on 5<sup>th</sup> November 2019 and it was hoped that this would result in a reduction of patients presenting at ED.
- It was a target for those patients diagnosed with Cancer to have a maximum two week wait for treatment, however patients were often seen sooner than fourteen days. New cancer standards were also due to be implemented from 2020.
- Mechanisms were in place to advise patients when there was a delay in treatment. Information posters were displayed in prominent areas explaining the reasons for delay and that waiting times would be displayed to try to alleviate frustration.

(The meeting was adjourned at 11.55am and reconvened at 12.35pm)

## Maternity Services

Prior to the commencement of the presentation, the Chief Executive expressed her disappointment in the rating of the maternity service particularly as no 'Must Do's' had been identified and significant improvement had been made in the last two years.

During the presentation, the Head of Midwifery outlined the six 'should do' recommendations and the progress made to date. In doing so she confirmed that immediate action had been taken with regard to the 'fresh eyes' risk assessments to ensure audits showed that the practice was completely embedded; adoption of the 'Perfect Ward' inspection tool; infection prevention mandatory training was now operating at 89.1%; collaborative working with the complaints department to ensure timely responses, with face to face meetings arranged to discuss issues with the complainants; Governance processes had been reviewed and a dedicated governance team operated within the maternity service; monthly meetings were held to look at incidents and reported back to staff via newsletters, huddles and a dedicated Facebook page.

Moving forward the maternity service was working together with the Local Maternity System within the STP, neighbouring trusts and neonatal services to implement better birth recommendations. Work would continue with the Local Authority Early Years Transformation Academy Team.

In referring to the Clinical Negligence Scheme for Trusts (CNST) maternity incentive scheme, Members were advised that the Trust had submitted its standards and expected to demonstrate that all ten safety actions had been achieved, which would result in the contribution made to the CNST maternity incentive fund refunded, the same as in the previous year.

Arising from the presentation of the report, Members asked questions, made comments and response were provide where appropriate as follows:-

- There was a shortage of midwives nationally, however, Dudley was in a fortunate position and were fully staffed. There was a shortage of support staff. During holiday periods, however, as midwives were predominately female, there may be a reduced level of staffing and therefore induction of labour for patients maybe delayed.
- Members commented positively on the service and agreed that every effort had been made to comply with regulations and provide a good quality of service.
- It was commented that performance was poorly in respect of outcomes for families and that partner organisations needed to work collaboratively to achieve better outcomes. The introduction of the Early Years Transformation Academy Team was welcomed and would help collaborative working in the future.



## Children and Young People

The Head of Children's Services gave a detailed presentation on Children's Services across the whole Dudley Group Foundation Trust. Following the approval of a business case, a dedicated cubicle had been developed to create a safe and calm environment for children/young people admitted. Risk assessments were undertaken for all children and young people that were admitted with mental health conditions to mitigate a lack of designated safe space.

In referring to staffing issues it was stated that daily huddles took place to assess pressures and ensure the safe allocation of staff resources. Approval to appoint two additional consultant paediatricians had been agreed to assist with providing care back into the Community.

The transitional pathways from children to adult services was referred to and it was confirmed that approval to appoint a transition co-ordinator had been agreed. A transition focus group would be developed, which would comprise members from different Carer Support groups to help scope pathways and develop engagement strategies to ensure the views of children, young people and parents/carers were captured.

The achievements of the Children and Young People services were outlined including the successful introduction of 'Holly Bags' which provided young people with essentials that entered the service with nothing.

Following the presentation, Members commended the service for the work that they had achieved.

## Outpatients

The Matron for Outpatients and the Deputy Director of Operations gave a presentation on the areas for improvement identified by the CQC and progress made. It was stated that the tracking system for health records had been strengthened with the record journey stored digitally and available to consultants; staffing levels had been increased at Corbett Hospital and that the collection of notes had been increased and rooms had been identified for the secure storage of health records. It was further stated that a risk register had been implemented and was monitored by the patient access team, with monthly meetings arranged to discuss identified risks. Staff were rotated to the different service areas to ensure continuity.

In referring to patient deterioration and the use of patient trolleys with no sides in Urology, it was confirmed that new patient trolleys with sides had been ordered at the time of the inspection but had not been delivered. Appropriate trolleys were now available and in operation. All staff had also received basic life support care training to assist any patient if an incident were to arise.

The development of a five year outpatient plan had been established to assist with a reduction in appointments and to look at alternative ways of contact, including virtual clinics, to assist with patient flow.

In response to a question raised by a Member with regards to when the service would be completely digital, it was stated that implementation of all records being stored digitally would be gradual over a two to three year period. It was commented that some staff had concerns at the prospect of being completely digital, although a lot of medical letters were currently stored electronically and that two specialist areas had agreed to trial the digital system when operational.

Members concurred with clinicians' reservations in records being stored entirely digital, particularly if there were to be an issue with loss of power.

### Surgery

The Deputy Director of Operations gave a positive presentation on the Surgery Department which had been rated as 'Good' overall by the CQC and 'Outstanding' in the caring category.

In referring to areas identified by the CQC as 'Must Do', Members were advised that a sufficient number of recovery staff at Corbett Outpatient Centre had now been trained in Advanced Life Support (ALS) to enable there to be an ALS trained member of staff on duty every day at Corbett Outpatient Centre.

### Critical Care

The Matron for Critical Care and Consultant Critical Care gave a presentation on the previous and current position of the critical care service; areas identified by the CQC rated as 'Good'; and the actions identified as 'Should do' and the future action plan.

Arising from a question raised by a Member in relation to the establishment of a rehabilitation service for adult patients after experiencing a critical care illness, it was stated that the business case for the establishment had now been approved and work was been undertaken to develop appropriate job advertisements and specifications. It was recognised that it would take time to establish a full team and that there were difficulties in recruiting qualified trained staff, however, it was considered vital that this service was established for the recovery of patients. It was also stated that collaborative working with Primary Care colleagues was necessary to ensure that a patient received the correct level of care required to enable a full recovery.

### Community

The Matron for Community Services and Divisional Director gave a presentation on the Community Services rated as 'Good' overall by the CQC.

During the presentation the recommendations made by the CQC were highlighted, together with the actions that had been taken as follows:-

- 93% of staff had completed mandatory online training and monthly meetings were held to discuss governance issues and pressures within the service to improve patient experience.

- Staff appraisals were operating at 100% completed and were carried out during the period April to June.
- Care packages were now individualised to ensure that they were appropriate for each individual patient, with focus on district nurses to identify and support families and patients with end of life care plans.
- Lunch and learn events were arranged to provide support and training to staff, addressing any themes and trends that may arise and to review what had been achieved well and effectively, to improve the sustainability of quality care.
- Collaborative working with the MCP IT Lead for the implementation of a new mobile IT system, would enable any member of staff to access accurate up to date patient information and provide continuity of care.
- Infection control checklists were now completed daily at all sites and audited quarterly by team leads with Hand hygiene audits completed and audited monthly.
- A more effective management structure had been implemented to improve pathways for patients and staff to provide support.
- Quarterly meetings were held to embed governance arrangements and processes were operational to monitor risk management and incidents.

Members commented that the majority of complaints received from residents in relation to health care related to community nurses and suggested that consideration be given to improving resources that were available and accessible within the local Community.

### End of Life Care

The Chief Nurse gave a presentation on end of life care across all patient service areas. It was reported that overall the service had been rated 'good' and was considered to be outstanding in promoting the needs of people receiving end of life care and adhering to patient wishes. It was reported that the Trust was working towards Gold Standard Framework accreditation and that the team was working in conjunction with other service providers rather than in isolation to avoid duplication.

Following the presentation of all service areas, the Director of Finance commented that like all public sector organisations, the Trust had been subjected to financial challenges and although it was recognised that not all improvements necessarily required financial investment, it was inevitable that some areas would. The largest financial expenditure for the Trust was considered to be staffing resources and ways in which to achieve efficiencies had been considered with risk assessments undertaken to mitigate any effect on the quality of care and service provided. It was necessary to work in conjunction with other care providers to ensure sustainability.

In concluding, the Chief Executive stated that the Trust was committed to the improvement of services to achieve the highest level of care. Staff were commended for their continued commitment and hard work in achieving the improvements made.

The Chair thanked everyone for attending the meeting and for their verbal and written contributions. Five draft recommendations were proposed for the Scrutiny Committee to consider and for inclusion in a future report to the Cabinet namely:-

That the Committee:-

1. Welcome the assurances given by the Dudley Group National Health Service (NHS) Foundation Trust on the changes being implemented to respond to the Care Quality Commission (CQC) inspections and support the continuous improvement of the services provided in Dudley Borough Hospitals.
2. Place on record its appreciation of the hard work and dedication of all staff involved.
3. Support the proactive and collaborative approach to partnership working between the NHS, the Council, the Clinical Commissioning Group and all partners to continue the improvement journey following the CQC report.
4. Endorse the further development of a joint, co-ordinated strategy to reduce the numbers of people who attend the Emergency Department unnecessarily.
5. Note that a detailed action plan has been submitted to the CQC and that arrangements are in place to ensure the ongoing monitoring of progress.

#### **Resolved**

- (1) That the written information, together with the verbal presentations presented at the meeting in respect to The Dudley Group NHS Foundation Trust – Care Quality Commission Report, be noted.
- (2) That the Scrutiny Officer, circulate the draft recommendations to Members for consideration and comment.
- (3) That a report on behalf of the Health and Adult Social Care Scrutiny Committee be submitted to the Cabinet at its meeting on 12<sup>th</sup> September, 2019.

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#### **13 Date of next meeting and proposed items to be considered**

#### **Resolved**

That the date of the next meeting and the items for inclusion, subject to the need for flexibility to reflect any changes that might arise, be noted.

The meeting ended at 1.55p.m.

CHAIR  
HASC/20

## **Minutes of the Overview and Scrutiny Management Board**

**Wednesday, 4<sup>th</sup> September, 2019 at 6.00 p.m.**  
**at the Council House, Priory Road, Dudley**

### **Present**

Councillor N Richards (Chair)  
Councillor C Barnett (Vice-Chair)  
Councillors T Crumpton, A Finch, J Foster, L Jones, P Lee, A Millward, M Rogers,  
D Tyler and S Waltho

### **Also in Attendance:**

Councillor P Harley (Leader of the Council)  
Councillors C Bayton and A Lees (Members of the West Midlands Combined  
Authority Overview and Scrutiny Committee)

### **Officer**

S Griffiths - Democratic Services Manager/Statutory Scrutiny Officer (Chief  
Executive's Directorate)

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#### **9      Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors  
R Burston, J Roberts and P Sahota.

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#### **10     Appointment of Substitute Member**

It was noted that Councillor P Lee had been appointed to serve as a substitute  
Member for Councillor R Burston for this meeting of the Board only.

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#### **11     Declarations of Interest**

Councillor N Richards reported that, in accordance with the Members' Code of  
Conduct, she had declared a disclosable pecuniary interest to the Monitoring Officer  
in view of her employment as a Content Creator for the West Midlands Mayor.

Following advice from the Monitoring Officer, the interest was disclosed at this  
meeting for transparency purposes. Agenda item No. 7 related to the development  
of the overview and scrutiny arrangements operated by West Midlands Combined  
Authority (WMCA). There was no conflict of interest requiring the Chair to leave the  
meeting as the role of the Board was not to directly scrutinise the work/decisions of  
the WMCA Overview and Scrutiny Committee or any executive decisions made by  
the Mayor/WMCA.

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12      **Minutes**

**Resolved**

That the minutes of the meeting held on 12<sup>th</sup> June, 2019 be approved as a correct record and signed.

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13      **Public Forum**

No issues were raised under this agenda item.

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14      **Statutory Guidance on Overview and Scrutiny**

A report of the Lead for Law and Governance (Monitoring Officer) and the Democratic Services Manager (Statutory Scrutiny Officer) was submitted on the ongoing development of the Council's overview and scrutiny arrangements taking account of the published Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.

Following the meeting of the Board on 12<sup>th</sup> June, 2019, a briefing note on the Statutory Guidance had been circulated to all members of the Council. The Board was invited to comment on the development of any aspects of the Council's Overview and Scrutiny arrangements taking account of the Statutory Guidance and local requirements.

The following points were noted:

- The Democratic Services Manager was designated as the Statutory Scrutiny Officer pursuant to Section 9FB of the Local Government Act 2000.
- The engagement of external professional, expert or independent persons was a potential option if this was necessary in specific circumstances and subject to resources being available.
- Flexible arrangements were in place to allow political groups to appoint substitute members to serve on scrutiny reviews of specific interest to them or where members had specialised experience or knowledge. This needed to be recognised in the publication of member attendances.
- Scrutiny Committee Procedure Rule 12 referred to a time limit of 5 minutes for a Cabinet Member or Officer to make a final statement during the consideration of a 'Call-In'. This time limit was considered unnecessary.
- Scrutiny Committee Procedure Rule 9 required the inclusion of a 'Public Forum' on the agenda for all Scrutiny Committees. The Board asked that further work be undertaken to publicise relevant agenda items and to engage with the public. Consideration would be given to issuing promotional material in the same way as for the Community Forums, which could be posted on social media.

## Resolved

That the points listed above be reflected in the development of the Council's overview and scrutiny arrangements taking account of the Statutory Guidance and ongoing local requirements.

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### 15 **West Midlands Combined Authority - Overview and Scrutiny Arrangements**

A joint report of the Lead for Law and Governance (Monitoring Officer) and the Democratic Services Manager (Statutory Scrutiny Officer) was submitted on the overview and scrutiny arrangements operated by West Midlands Combined Authority (WMCA).

The report included details of the portfolio of the Cabinet Member with lead responsibility for matters relating to WMCA and information concerning the appointment of Dudley MBC members to serve on the Committees and Boards of WMCA. The WMCA overview and scrutiny annual report for 2018/19 was also circulated giving an overview of the work carried out during that municipal year.

The Statutory Guidance also applied to scrutiny in Combined Authorities, however, it was recognised that scrutiny needed to be carried out differently at a local level compared to the strategic task of scrutiny at the Combined Authority. The Centre for Public Scrutiny had undertaken a review of the role of scrutiny within a Combined Authority context and key findings were summarised in the report. An action plan was being developed for the WMCA to take forward the findings of the review.

The WMCA had developed a scrutiny protocol to communicate the role and purpose of scrutiny and this was circulated to Members. This protocol would be supplemented by a guidebook to support the operation of the overview and scrutiny function. The Board was invited to comment on the developing working arrangements to raise awareness and improve communication in respect of key scrutiny issues being considered by WMCA.

Councillors A Lees and C Bayton addressed the meeting and gave an overview of key issues, including the role of the WMCA Overview and Scrutiny Committee, the structure of the WMCA Boards/Committees, Task and Finish Groups, ongoing priorities and various constitutional and governance issues arising from the Centre for Public Scrutiny review. The focus was on delivery, implementing new ways of working and adding value through the scrutiny process.

Consideration was being given to improving communication between the WMCA and Members of Dudley MBC by newsletters, 'drop in' sessions, ad hoc presentations and general updates on the progress of key projects. Further updates would aim to give assurances that overview and scrutiny was adding value to the WMCA.

The Board welcomed the presentation and raised a number of points:

- It was noted that work in connection with the Mental Health Commission and the 'Thrive into Work' project was ongoing.

- The recent appointment of the WMCA portfolio holder for Wellbeing was noted and this would be reviewed in the future.
- Reference was made to difficulties in achieving a quorum at some WMCA meetings and the lack of remuneration paid to those Members who had significant additional responsibilities in connection with the WMCA.
- Reference was also made to the additional responsibilities and the development of skills for Members to scrutinise significant and large-scale projects. The Leader had established a Cabinet Member portfolio for WMCA and the importance of attendance at meetings was recognised to ensure the interests of the Borough were fully and properly represented.
- Comments were made regarding key projects of significance to the Borough including the DY5 Enterprise Zone, the Metro, Very Light Rail and associated transport improvements. The Leader emphasised the need for effective cross-party working to ensure the benefits were fully realised. Reference was also made to the consideration of funding for improvements in Lye.
- It was confirmed that future meetings of the WMCA Overview and Scrutiny Committee would be rotated around venues in the region.
- A query was raised as to what extent the WMCA were considering environmental issues for the wider geographical area. The issue of emissions and air quality were under active consideration by a Working Group.

The Chair thanked Councillors C Bayton and A Lees for attending the meeting and for their contributions to the discussion.

### **Resolved**

That the ongoing development of the overview and scrutiny arrangements operated by WMCA, together with the associated working arrangements and protocols, be noted.

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## **16      Feedback from Scrutiny Committees**

The Board received an update on the work being undertaken by Scrutiny Committees, including feedback from the following meetings:

Children's Services Scrutiny Committee – 1<sup>st</sup> July, 2019

Corporate Scrutiny Committee – 2<sup>nd</sup> July, 2019

Place Scrutiny Committee – 3<sup>rd</sup> July, 2019

Health and Adult Social Care Scrutiny Committee – 10<sup>th</sup> July and 28<sup>th</sup> August, 2019

The meeting ended at 7.30 pm

CHAIR

OSMB/10



## **Minutes of the Place Scrutiny Committee**

**Wednesday 3<sup>rd</sup> July, 2019 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:**

Councillor M Rogers (Chair)  
Councillor A Finch (Vice-Chair)  
Councillors M Aston, J Baines, B Challenor, Z Islam, J Martin, N Richards  
and V Wale

### **Officers:**

M Williams – Chief Officer Environmental Services, G Dean - Head of Street and  
Green Care, T Johnson – Group Manager and I Povey - Grounds Maintenance/  
Parks Operations and Performance Manager (Place Directorate)  
M Spittle - Head of Access and Prevention and N Boerm-Hammond - Call  
Centre Manager (People Directorate)  
S Griffiths – Democratic Services Manager (Chief Executive's Directorate)

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#### **1      Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors  
D Harley and L Johnson.

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#### **2      Appointment of Substitute Members**

No substitute members had been appointed for this meeting of the Committee.

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#### **3      Declarations of Interest**

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

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#### **4      Minutes**

##### **Resolved**

That the minutes of the meeting held on 28<sup>th</sup> March, 2019 be approved  
as a correct record and signed.

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## 5 **Public Forum**

The Committee heard representations from a local resident concerning the use of glyphosate by the Council in relation to weed control. It was stated that glyphosate had been banned in some other countries and several local authorities were reviewing its use with a view to becoming pesticide-free. Several concerns were expressed regarding the harmful effects of glyphosate on wildlife, insects and the environment together with the possibility of the chemical being washed into the sewer system.

It was acknowledged that the Council received many public complaints about weed control, however, information provided by organisations such as Friends of the Earth and the Pesticide Action Network supported calls for local authorities to review and potentially cease the use of glyphosate. There was a need to change public perceptions and avoid the needless spraying of this chemical.

Officers acknowledged the points raised and emphasised the need to consider all the relevant factors and issues. A detailed report had been produced for consideration by the Committee (see Minute No. 7 below). This was based on all the information and advice currently available, however, it was recognised that circumstances and legislation could change in the future. A balanced approach was necessary together with a need to raise awareness of the issues involved.

Members thanked the resident for her attendance and the points raised, which would be taken into account in the Committee's deliberations on this subject.

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## 6 **Annual Scrutiny Programme 2019/20**

A report of the Lead for Law and Governance was submitted on items to be included in the Annual Scrutiny Programme for detailed considered by this Scrutiny Committee during 2019/20.

### **Resolved**

- (1) That the items to be scrutinised by this Committee, as contained in the Annual Scrutiny Programme for 2019/20, be noted.
- (2) That a Working Group be established (membership to be determined) to consider the item on Himley Options in January, 2020 and that recommendations be submitted to the Committee in due course.
- (3) That the programme of business below be confirmed, subject to the need for flexibility to reflect any changes that might arise during the municipal year:

Wednesday 18<sup>th</sup> September, 2019

Black Country Plan (Black Country Core Strategy)  
Community Infrastructure Levy (CIL) funding (including Community Forum funding).

Wednesday 13<sup>th</sup> November, 2020

Waste Strategy Review  
Medium Term Financial Strategy  
Deployment of Resources: Housing Revenue Account and Public  
Sector Housing Capital

Wednesday 29<sup>th</sup> January, 2020

New Tram Services between Wednesbury and Brierley Hill  
Future of Town Centres  
Housing Allocations Policy  
Himley Options (Working Group)

Wednesday 4<sup>th</sup> March, 2020

Housing Stores Materials Contract  
Housing Issues – Change and Challenge for the Local Housing  
Authority  
Housing Board  
Annual Report and Draft Scrutiny Programme 2020/2021

- (4) That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2019/20 municipal year.
- (5) That the terms of reference for the Place Scrutiny Committee, as set out in the Appendix to the report submitted, be noted.

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## **7      Use of Glyphosate for Weed Control**

A report of the Strategic Director Place was submitted providing an overview of the use of glyphosate in the control of weed growth on the Borough's soft and hardstanding areas.

The Head of Street and Green Care presented the report giving details of the background to the use of glyphosate and explaining why the Council currently used this as an efficient method of weed control.

The report addressed the safe use of glyphosate, issues of public safety and potential alternative control methods. Other alternative measures included removal of weeds by manual or mechanical means, strimming, hot liquid/flame/electricity or to 'do nothing' in certain circumstances.

Reference was made to the future use of glyphosate and it was noted that the Council continued to act within the guidance, instructions and directives issued by the Health and Safety Executive. The total cost of weed control in the Borough was approximately £330,000. Any alternative methods of weed control would require additional resources and budgetary provision.

The Committee thanked officers for responding comprehensively to the written questions submitted by a local resident, copies of which were circulated at the meeting. Members also acknowledged and took account of the points raised during the public forum.

A suggestion was made that Officers consider undertaking a mapping exercise to identify wildflower areas in the Borough, where adopting the 'do nothing' approach might be a viable option for the future. A view was expressed that the option of removing weeds manually might be possible in some areas. However, it was recognised that this would have a direct impact on required levels of resource required to undertake the task.

Officers were not aware of any litigation in the UK concerning the use of glyphosate. Although there was no specific information concerning the amount of glyphosate products on sale in the Borough, such products were available for general sale and it was anticipated that these products were widely used by home-owners, on private land and by other commercial organisations.

**Resolved** to recommend the Cabinet Member for Environment, Highways and Street Services:

- (1) That the information contained in the report, and as presented verbally at the meeting, be noted.
- (2) That the continued use of glyphosate as an approved method of control for weed growth in the Borough, be supported.
- (3) That the potential impact of alternative measures of control should glyphosate be withdrawn, or greater restrictions placed on its use, be noted.

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## 8 **Update on the Telecare Service**

A report of the Strategic Director People was submitted on the Telecare Service including details of ongoing service improvements together with the impact and advantages for service users.

The Committee received a presentation including information on telecare staff, equipment, housing revenue account funding and the pricing matrix. Reference was made to case studies, the 91 day free trial of Telecare equipment for hospital discharges and the use of new digital pathways and technology. Statistics were provided on the impact of the Telecare Service along with future service development initiatives.

The Committee supported the increased use of technology and the promotion of the service to the community. Technology such as the short term lifestyle monitoring systems could be tailored according to care packages. Reference was made to the impact of falls reduction on the social care budget. Officers undertook to clarify the increase in the total equipment figure shown in the housing revenue account. This was anticipated to have resulted from the conversion from analogue to digital equipment.

Officers also responded to queries concerning the pricing matrix and comparisons with other providers. Dudley was regarded as one of the leading providers locally, regionally and nationally. The service had been audited and retained its accreditation through the quality standards framework by the Telecare Service Association.

Services were provided to Council tenants based on an assessment of needs. Consideration was given to the individual circumstances of people in other tenancies, including any care and support packages provided.

Reference was made to support people with mental health issues, including younger adults and former armed forces personnel. There was a need to raise awareness of the support available and contact was made with mental health teams and other appropriate services. Representatives of the service had attended the recent armed forces day with a view to being more proactive in making connections regarding the services offered.

Information would be provided on the breakdown of the tenures of the total of 8,223 service users. The cost of the service was funded from the housing revenue account. Accordingly, it was stated that Telecare should not be regarded as a free service as the service was an element of the rent paid by Council house tenants.

Reference was made to the importance of 'every contact counts' and close collaborative working with colleagues, directorates and other organisations. Support was available to people in difficult times, including those dealing with bereavement. A view was expressed that the service should be viewed as an exemplar of the 'making every contact count' approach.

### **Resolved**

- (1) That the report and presentation given to the meeting be welcomed and noted.
- (2) That the Committee's appreciation of the Telecare Service be placed on record and thanks be extended to the staff involved.
- (3) That the continued development and promotion of this essential and valued service be supported.

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## **9      Question Under Council Procedure Rule 11.8 – Green Belt Review**

Pursuant to Council Procedure Rule 11.8, notice of the following question had been received:

“Figures have been produced by Peter Brett Associates indicating a need for both domestic housing and land for business use in Dudley Borough in the future. What sources of information did Peter Brett Associates use to obtain these figures (I would like to see exact references), what methodology did they use, and was any attempt made to ascertain whether brownfield sites in the Black Country have been held by developers, without their being developed, for an excessively long time?”

The following response was noted by the Committee without discussion in accordance with Council Procedure Rule 11.9:

“Peter Brett Associates were selected following a tender process to deliver The Black Country Strategic Housing Market Assessment (SMHA). The report was commissioned by South Staffordshire Council and the four Black Country Local Authorities.

This assessment looked only at housing across the Housing Market Area. The sources which were used to inform the study were primarily the Office of National Statistics, Ministry for Housing, Communities and Local Government, and Oxford Economics. These are detailed within the report.

The report covers the methodology which was followed with the brief for this study setting out ‘the SMHA should identify the scale and mix of housing and range of tenures that the local population is likely to need over the plan period which:

- Meets household and populations projections, taking into account the likely migration and demographic change;
- Addresses the need for all types of housing, including affordable housing and the need of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes), and
- Caters for housing demand and estimates the scale of housing supply necessary to meet this demand.

The brief did not include a requirement to review brownfield sites in respect of land holdings. It is however our experience that land owners are not holding brownfield sites without attempting to have them developed. Delays are more commonly linked to issues of viability and contamination.

Irrespective of the intent to develop, all potential brownfield sites are included within our identified housing land supply and as such the failure to develop those sites would not impact the pressures on Green Belt land, as the capacity to provide housing on such sites has already been included in land availability figures. The site is currently available to view and download on the Black Country Plan website.”

The meeting ended at 7.23 pm.

CHAIR

## **Minutes of the Appeals Committee**

**Wednesday 14<sup>th</sup> August, 2019 at 10.00am**  
**in Committee Room 4 at the Council House, Dudley**

### **Present:**

Councillor T Westwood (Chair)  
Councillor E Taylor (Vice-Chair)  
Councillor A Goddard

### **Officers:**

D Corbett (Senior Transport Officer) (People Directorate) and  
K Griffiths (Democratic Services Officer) (Chief Executive's Directorate).

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#### **5      Declarations of Interest**

No member declared an interest in accordance with the Members' Code of Conduct, in respect of any matter to be considered at this meeting.

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#### **6      Minutes**

##### **Resolved**

That the minutes of the meeting of the Appeals Committee held on 19<sup>th</sup> June, 2019, be approved as a correct record and signed.

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#### **7      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.

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#### **8      Home to School and Post 16 Home to School/College Transport Appeal – JS**

A report of the Strategic Director People was submitted on an appeal relating to home to school transport.

##### **Resolved**

- (1) That, following careful consideration of representations made by all parties, the appeal for JS be upheld and travel support be provided for the return journey only, to the end of May 2020, subject to a review thereafter.
  - (2) That the parties be informed of the decision of the Committee in writing within five working days.
- 

9      **Home to School and Post 16 Home to School/College Transport Appeal – EBW**

A report of the Strategic Director People was submitted on an appeal relating to home to school transport.

**Resolved**

- (1) That, following careful consideration of representations made by all parties, the appeal for EBW be upheld and travel support assistance be awarded at £20 per day (term time only), to the end of academic year 2020/2021, subject to a review thereafter.
  - (2) That the parties be informed of the decision of the Committee in writing within five working days.
- 

10      **Home to School and Post 16 Home to School/College Transport Appeal – SI**

A report of the Strategic Director People was submitted on an appeal relating to home to school transport.

**Resolved**

- (1) That, following careful consideration of representations made by all parties, the appeal for SI 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.
- 

The meeting ended at 12.15pm

CHAIR

AC/4



## **Minutes of Audit and Standards Committee**

**Monday 29<sup>th</sup> July, 2019 at 6.00 p.m.**  
**in Committee Room 3, The Council House, Dudley**

### **Present:-**

Councillor A Taylor (Chair)  
Councillor J Roberts (Vice-Chair)  
Councillors J Cowell, M Evans, M Hanif, and G Partridge

### **Officers:**

I Newman (Chief Officer Finance and Legal Services), R Cooper (Head of Financial Services), M Farooq (Lead for Law and Governance), M Granger (Corporate Fraud Manager), G Harrison (Head of Audit Services), E Newman (Principal Auditor); A Taylor (Principal Auditor), and L Jury (Democratic Services Officer)

### **Also in Attendance:**

R Percival – (Grant Thornton - External Auditors) – for agenda item no. 5.

M Bowsher – Chief Officer Adult Social Care – for agenda item no. 7

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#### **1      Apologies for absence**

Apologies for absence were submitted on behalf of Councillors A Aston, S Keasey, S Mughal and T Westwood.

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#### **2      Appointment of a Substitute Member**

It was noted that Councillor M Hanif had been appointed as a substitute member for Councillor A Aston for this meeting of the Committee only.

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#### **3      Declarations of Interest**

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

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#### **4      Minutes**

##### **Resolved**

That the minutes of the meeting held on 15<sup>th</sup> April, 2019, be approved as a correct record and signed.

A report of the Chief Officer Finance and Legal Services was submitted presenting to the Committee the Audit Findings Report 2018/2019 from the Authority's external auditors (Grant Thornton) together with the Letter of Representation, as set out in Appendix 1, to be submitted by the Council to the external auditors. R Percival had been invited to present a summary of the audit findings to the Committee.

Prior to presenting the report, R Percival recorded the External Auditors' appreciation of the excellent assistance that had been provided once again by the Finance team during the audit. It was noted that some additional work was still to be completed on the accounts for this year.

Referring to Appendix 1 of the report, the Committee's attention was drawn to the conclusion on the Council's financial statement and the Value For Money (VFM) arrangements. In relation to other statutory duties, it was reported that no matters had come to the attention of the External Auditors.

Referring to significant audit risks on pages 9 to 11 of the report submitted, it was noted that four risks had been identified. In relation to improper revenue recognition, R Percival reported that having considered the risk, they did not consider this to be a significant risk for the Council. Referring to management override of controls, it was noted that outstanding work had now been completed and no issues had been identified that required reporting.

In relation to valuation of land and buildings, clarification was given to the Committee on the technical accounting adjustment that had been undertaken on the housing stock, noting that the adjustment did not have any impact on useable reserves or the general fund balance. The External Auditors also considered the risk that not all assets were valued every year, and it was noted that they were satisfied that this presented a low risk of material error and were satisfied with the valuation.

In relation to the valuation of pension fund net liability referred to on page 11 of the report, reference was made to the recent McCloud court ruling relating to age discrimination and as a result of the ruling, the Council were requested to re-run their actuary report which resulted in an increase in liability by £15.8m. It was again noted that this did not impact on the Council's useable reserves.

R Percival then presented the VFM conclusion, and in doing so, reported on the two high risk areas that had been identified last year. One related to OFSTED's 2018 re-inspection of Children's Services where it was noted that its rating had been reassessed from 'inadequate' to 'requires improvement' to be 'good' and although significant progress had been identified, it was noted that there were still further improvements to be made. However, the External Auditors were satisfied that a clear improvement plan was in place supported by an action plan.

The second high risk area identified, related to the Medium Term Financial Strategy (MTFS) 2018/2019, as set out on pages 24 and 25 of the report, noting the Council's 2018/2019 outturn position was an underspend of £3.4m, resulting in a smaller than expected decrease in the General Fund working balance and noting that the Council's earmarked general fund reserves had also decreased.

ASC/2

R Percival then reported that there were significant continuing risks to the Council's financial position and it was noted that the Section 151 Officer continued to recognise and report clearly on this position. Although the Auditors were satisfied that the Council's savings plans were realistic, it was acknowledged that the continued planned use of balances to close the financial gap, would only buy the Council time in which to develop a sustainable financial strategy. Although acknowledging the significant risks still to be addressed by the Council, the External Auditors had given an unqualified value for money conclusion and it was the view of the External Auditors that in considering the 2020/2021 budget options, the Council needed to give consideration to ways that it could grow its income base, which could include Council Tax increases.

In conclusion, the Committee's attention was drawn to the Action Plan on page 27 of the report regarding the recommendations of the External Auditors in relation to the Accounts – valuation of Property and Plant and Equipment and the Value For Money – Medium Term Financial Strategy. Referring to pages 30 to 32 of the report, R Percival reported on the audit adjustments that had been made between the draft accounts and the final version. This had resulted in significant additional work being undertaken by the External Auditors, and this additional work had impacted on an increase in fee and now totalling £9,000 which was subject to PSSA approval, and acknowledging the significant decrease compared to previous years.

Arising from the presentation of the report, the Chair stated that he was pleased to see the unqualified opinion and acknowledged the hard work undertaken by the Council's Finance Team and other officers and the External Auditors.

### **Resolved**

- (1) That the information contained in the report, and Appendices to the report submitted on the Council's external auditor's audit findings 2018/2019, and the Independent Auditor's Draft Opinion report (attached as Appendix 2), be received and noted.
- (2) That the Letter of Representation, a set out in Appendix 3 to the report submitted, be noted and the Chair be authorised to sign and date the final version of the Letter of Representation in due course.

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## **6 Grant Thornton (External Auditors) - Fee Letter 2019/2020**

A report of the Chief Officer Finance and Legal Services was submitted on the planned audit fee for 2019/2020 by the Council's external auditor, Grant Thornton. A copy of the letter was attached as an Appendix to the report submitted.

In introducing the report, the Chief Officer Finance and Legal Services drew the Committee's attention to the fee letter attached to the report as Appendix 1 and stated that the letter confirmed that the main audit fee would be maintained at the 2018/2019 level of £103,746.

### **Resolved**

## 7 **Risk Management**

A report of the Chief Officer Finance and Legal Services was submitted updating members on the current Corporate Risks and other matters relating to risk management. Appendix 1 to the report, showed details of Corporate Risks which were generally acknowledged as being the most significant facing the Council, impacting upon at least one or several of the Council's key objectives. In addition to risks tabled in Appendix 1, the Committee were requested to identify any particular risk for closer scrutiny the next time a risk report was scheduled.

It was noted that at the meeting held on 15<sup>th</sup> April, 2019, the Committee agreed to scrutinise Risk R.22 which related to Vulnerable People. The Chief Officer Adult Social Care had been invited to give a presentation to the Committee and to answer any questions that Members may raise.

The Chief Officer Adult Social Care, gave a power-point presentation which outlined how the service were addressing the risk R.22 relating to the risk of failure to protect children and/or adults in positions of vulnerability. It was confirmed that as the presentation would only provide an overview of the initiatives that were in place to address the risk, it was indicated that a more technical paper would be submitted to Committee Members for information.

The presentation focused on three main areas:

- Increasing demand (for children and adults in the Borough)
- Changing patterns of abuse (eg. Child exploitation)
- Reducing resources (a Council wide issue)

In relation to the changing patterns of abuse, an example of a Modern Slavery case, which had resulted in a prosecution, was presented to the Committee, noting that it was estimated that 350 people were subjected to modern slavery.

Methods of mitigating risks were then presented focusing on prevention, ie governance and multi-agency working, the agencies involved in the Children's Safeguarding and Adults Safeguarding Partnership Groups, and the communications launched across the Borough over the last twelve months, which included the Friends Against Scam initiative.

In conclusion, the Chief Officer Adult Social Care presented the outcomes of initiatives that had been put in place, together with initiatives that the service would implement in the future. It was reported that this would include an initiative undertaken by Wigan Council who were using data that could identify potential knife crime sites.

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

In response to a safeguarding concern raised, relating to children in a particular Member's Ward, the Chief Officer Adult Social Care requested that full details be submitted directly to him to enable the issue to be addressed.

In response to issues raised by Members relating to the Wigan Council initiative that had been referred to in the presentation and Modern Slavery concerns, the Chief Officer Adult Social Care undertook to send Members information relating to the Wigan Council approach and a guide to Modern Slavery.

In response to a concern raised by a Member relating to health and safety concerns and possible exploitation issues in a factory in the Borough, the Chief Officer Adult Social Care requested that full details of the issue be submitted to him to enable the issue to be addressed.

A Member suggested that 'faith' groups should be included in the groups represented on the Children's Safeguarding Partnership Group, and the Chief Officer Adult Social Care undertook to take this suggestion back to the team for consideration.

In response to a question raised relating to Modern Slavery issues specifically relating to the Lye Ward, the Chief Officer Adult Social Care undertook to extract analysis from the dataset specifically relating to the Ward in question and submit this information to all Committee Members.

The Committee identified R.286 relating to Payroll as the risk for closer scrutiny the next time a risk report was referred for consideration by the Committee.

### **Resolved**

- (1) That the information contained in the report and Appendix 1 to the report submitted on high level corporate risks, be noted.
- (2) That the information contained in the presentation on risk R.22 relating to Vulnerable People and comments made by Members as outlined above, be noted.
- (3) That the Chief Officer Adult Social Care, be requested to provide written responses to the specific issues raised by Members, as outlined above.
- (4) That risk R.286 relating to Payroll be identified as the specific risk for in-depth scrutiny the next time a risk report is referred to the Committee for consideration.

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## **8 Review of the Code of Corporate Governance**

A report of the Chief Officer Finance and Legal Services was submitted in relation to the results of a review of the Code of Corporate Governance.

In presenting the report, the Head of Audit Services stated that the Code of Corporate Governance provided details of the Council's governance framework. A paper produced by CIPFA (Chartered Institute of Public Finance and Accountancy) and SOLACE (Society of Local Authority Chief Executives) delivering good governance in Local Government, provided detailed guidance for reviewing the Council's governance arrangements.

The Head of Audit Services and several Senior Managers, had reviewed the Council's governance arrangements against the guidance. The revised Code of Governance was attached as Appendix A to the report. The framework had been split into seven principles and the Code demonstrated how the Council were addressing these principles. The key changes to the Code were then presented which included: a review of the Code of Conduct for Employees, noting that employees would now be requested to electronically accept the Code; reference had been made to Your Borough Your Home magazine; the revised Council Plan 2019/2022, the Borough Vision 2030 and reference to the Voluntary Sector now meeting with the Strategic Directors on a regular basis had all been included.

Arising from consideration of the presentation, Members raised questions and made comments which were responded to at the meeting. In response to a particular question raised by a Member with regards to Core Principle 2 on page 70 of the report submitted in relation to engaging with Tenants and Residents Associations and the concern that an issue of funding had been raised which could potentially see the abolition of the association, the Head of Audit Services confirmed that he would investigate the matter with regards to funding to the association and provide a written response to the Member concerned.

In relation to Core Principle 2 on pages 68 and 69 of the report submitted on 'Ensuring openness and comprehensive stakeholder engagement', a Member raised issues relating to the Combined Authority and the Black Country Core Strategy on matters in relation to the green belt and the call for housing sites and approval processes. In response, the Head of Audit Services and the Chief Officer Finance and Legal Services requested that full details of the issue be sent to them to enable the issue to be investigated and a written response would be submitted to the Member concerned.

Members suggested whilst reviewing the Code in future, consideration be given to establishing a criteria for inclusion of specific groups in the Code and reference made to racism.

## **Resolved**

- (1) That the revised Code of Corporate Governance, attached as Appendix A to the report, be noted and approved.
- (2) That the Chief Officer Finance and Legal Services be authorised to undertake the necessary action to incorporate the revised Code into the Constitution.
- (3) That the comments made by the Committee as outlined above, in relation to additional information to be included in future reviews of the Code of Corporate Governance, be noted.

- (4) That the question raised by a Member concerning the green belt and the call for housing sites, be submitted to the Chief Officer Finance and Legal Services for a written response.
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## 9 **Annual Governance Statement**

The Committee considered a report of the Chief Officer Finance and Legal Services on the Annual Governance Statement (AGS) for 2018/2019.

In presenting the report, the Head of Audit Services commented that the Accounts and Audit Council Regulations 2015, required the Council to produce an Annual Governance Statement that would be signed by the Chief Executive and Leader of the Council and would be published and included as part of the Statement of Accounts. It was noted that the AGS was an assessment of the effectiveness of the Council's governance framework, as detailed in its local Code of Corporate Governance, and reference was made to the CIPFA/SOLACE publication, as referred to in the previous agenda item, which defined the principles that should underpin the governance of each Local Authority and provided guidance on what should be included in the AGS.

It was noted that the local Code of Governance had been reviewed by a number of Senior Managers who had also assessed the effectiveness of the framework and the outcomes generated. Chief Officers were asked to identify any significant governance issues and a number of governance best practice checklists were reviewed to help determine effectiveness. The proposed draft AGS was attached as Appendix A to the report.

Reference was made to Section 5 of the AGS which provided an update on issues raised in the previous AGS and provided details on significant current/emerging issues. Specific reference was made to OFSTED's reassessment of Children's Services in 2018, which noted that significant progress had been made in many areas of the service. An external review had also been undertaken of the Youth Offending Service and Special Educational Needs and Disabilities and action plans had been produced to address the issues raised.

Reference was then made to financial sustainability, as set out in paragraph 5.2.2 (c) of the report, and the situation with regards to Payroll Transactions under paragraphs 5 of the report. It was noted that a follow-up audit had been undertaken on Payroll and, whilst acknowledging that progress had been made, it had been insufficient to change the 'minimal' assurance rating previously provided. A lack of confidence had also been identified in the Information Technology system.

The Head of Audit Services made reference to the changes in senior management, as detailed in paragraph 5.5 of the report, and it was noted that the new Chief Executive was currently undertaking a review of the senior management structure.

In conclusion, the Head of Audit Services reported that with the exception of the issues highlighted in section 5 of the AGS and as stated above, the Council's governance framework remained 'fit for purpose'.

Arising from consideration of the report, referring to 4.5.14 of the AGS, a Member requested further information relating to the number of complaints submitted to the Ombudsman for investigation. The Head of Audit Services undertook to provide a written response to the Member concerned. Referring to 4.5.11 on page 95 of the AGS, in relation to the Communications and Public Affairs Team, it was commented whether the team that delivered the marketing and communication campaigns should also evaluate the campaigns.

Referring to Modern Slavery/Preventing Extremism under paragraph 4.11 on page 99 of the AGS, it was noted that the layout in the report, may suggest that these matters were linked and it was therefore proposed that these issues be presented under two separate headings in future.

### **Resolved**

- (1) That the Annual Governance Statement 2018/2019, be noted and that the Annual Governance Statement, as set out in Appendix A to the report, be approved and referred to the Leader of the Council and the Chief Executive for signature.
- (2) That the Head of Audit Services be requested to submit a written response to the Member concerned providing further information relating to complaints submitted to the Ombudsman.
- (3) That the comments made by the Committee, as outlined above, be incorporated into future reviews of the AGS.

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## 10 **Statement of Accounts 2018/2019**

A report of the Chief Officer Finance and Legal Services was submitted presenting the Statement of Accounts 2018/2019 to the Committee for consideration and to inform on the outcome of the audit of the accounts. The Statement of Accounts and the audit of them are the main formal and public report on the financial standing of the authority. A copy of the audited Statement of Accounts 2018/2019 had been circulated separately to Members.

The Chief Officer Finance and Legal Services gave a summary power-point presentation on the Statement of Accounts 2018/2019, highlighting that the Movement in Reserves Statement (MiRS) as referred to on page 21 of the accounts submitted, reconciles the technical accounting position with the actual funding position was governed by statutory regulations.

The Chief Officer Finance and Legal Services then presented the key messages in the MiRS to the Committee, detailing the end of year 2019 balances in relation to the general fund, earmarked reserves, Housing Revenue Account, unusable reserves, surplus/(deficit) on services, accounting adjustments (a detailed explanation of the adjustments was set out on pages 29 and 30 of the report), and



transfers to/from earmarked reserves and noting the year-end balance on the General Fund of £22.6m.

The Chief Officer Finance and Legal Services then presented a summary of the adjustments that had been made to the final accounts, relating to issues raised by the External Auditor earlier in the meeting, noting that these adjustments did not affect the Council's true financial position as measured by its usable reserves. It was confirmed that the revised version of the Statement of Accounts would be signed by the Chair of this Committee.

In conclusion, the authority's latest financial forecast was then presented to the Committee, and the Chief Officer Finance and Legal Services acknowledging the External Auditors report, drew the Committee's attention to the huge degree of uncertainty the authority faced with regards to its financial position for 2020/2021 onwards.

Arising from consideration given to the presentation, a Member requested a pdf copy of the Statement of Accounts and a full breakdown of banking charges/transaction fees paid by the Local Authority during the accounting period ending 31<sup>st</sup> March 2019. The Chief Officer Finance and Legal Services undertook to submit this information to the Member.

### **Resolved**

- (1) That the information contained in the report on the Statement of Accounts 2018/2019, be noted and the Chair, following consultation with the Chief Officer Finance and Legal Services be authorised to approve the final Statement of Accounts after any amendments required to reflect work on valuations of Property, Plant and Equipment, as detailed in paragraphs 19 and 20 of the report submitted.
- (2) That the Chief Officer Finance and Legal Services be requested to submit information to the Member concerned providing a breakdown of the banking charges/transaction fees paid by the Local Authority together with recharges by Directorate and functions as detailed above.

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## **11 Committee Work Plan 2019/2020**

A report of the Chief Officer Finance and Legal Services was submitted on a schedule of proposed items to represent a work plan for the Committee for the 2019/2020 Municipal Year.

The Head of Audit Services, in presenting the report, made reference to the draft schedule attached as Appendix A to the report, highlighting the two additional reports to be included for consideration at the September and December meetings: Standing Orders relating to Contracts and Financial Regulations.

### **Resolved**

That the information contained in the report and the schedule of agenda items to form the Work Programme of the Committee in the 2019/20 Municipal Year, as detailed in Appendix A to the report, be noted and approved.

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12 **Re-appointment of the Standards Sub-Committee**

The Committee considered a report of the Monitoring Officer on the re-appointment of the Standards Sub-Committee.

**Resolved**

That the Standards Sub-Committee be re-appointed for 2019/2020 with its existing Terms of Reference and that the membership comprise of the Chair (Councillor A Taylor), the Vice-Chair (Councillor J Roberts) and Councillor J Cowell.

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13 **Audit Services Annual Performance 2018/2019**

A report of the Chief Officer Finance and Legal Services was submitted outlining the performance of Audit Services for the year ending 31<sup>st</sup> March 2019.

In presenting the report, the Head of Audit Services referred to paragraph 7 of the report in relation to performance management, noting that Audit Services had completed 93% of the audit plan in comparison to 95% completion in 2017/2018, highlighting that performance had been impacted by the long-term absence of a Senior Auditor. It was reported that Audit Services had reviewed 64 areas of activity as detailed in Appendix A to the report and in addition, Audit Services had completed 2 Honorary audits, 57 School Financial Value Standard assessment reviews and 1 Multi-Academy Trust audit.

Appendix C to the report provided a detailed breakdown of the 574 actions raised, of which 122 had been classified as High priority, 347 as Medium and 105 as Advisory, with 50 actions unimplemented from the previous review.

Paragraph 9 of the report detailed the audits by assurance ratings, noting that 86% had received either a 'Substantial' or 'Reasonable' rating.

Paragraph 12 of the report detailed key performance indicators in relation to draft reports being produced and issued within nine weeks from the start of the audit and Manager's providing an initial response within four weeks. It was noted that the issue of final reports was slightly down on last year's performance.

It was reported that if an audit received a 'minimal' or 'requires improvement' assurance rating, a follow-up review would be undertaken approximately six months after the final report had been issued. Paragraph 15 listed the audits in these categories and when the next follow-up audit would be carried out.

Referring to paragraph 16 of the report submitted, the Head of Audit Services confirmed that as the follow-up audits undertaken on HR Transactions and Special Educational Needs had not found that sufficient progress had been made to address the Actions raised, further follow-up reviews would be completed in 2019/2020.

It was noted in paragraph 17 that Audit had undertaken a review of 66 'High' priority actions in 2018/2019.

The proposed amendments to the Actions ratings and overall assurance ratings for 2019/2020 were reported, as set out in detail in paragraph 18 of the report.

Referring to the budget and customer feedback, it was reported that Audit had achieved an underspend of £31,000 during 2018/2019 and of the quality questionnaires that had been returned, the majority stated that they had received either a 'good' or 'very good' service.

In referring to quality assurance and improvement programme, as set out in paragraphs 23 to 27 of the report, the Head of Audit Services reported that the internal quality assurance programme had not identified any significant non-compliance with the Standards and Code of Ethics.

Referring to the Audit and Standards Committee, it was reported that CIPFA had issued new guidance on Audit Committees which included a position statement on the role of the Committee and was attached as Appendix D to the report. The guidance also included self-assessment checklists which had been completed and were attached as Appendices F and G. Appendix F related specifically to the Audit Committee's purpose and governance and the main issue raised related to the Audit Committee not producing an Annual report to explain its work and account for its performance. In this regard, the Head of Audit Services advised that this may be an issue that the Committee would like to consider at this meeting. Appendix E comprised of a questionnaire designed by CIPFA to identify training needs of new Members of the Audit Committee and the Head of Audit Services reported that a questionnaire would be sent to Members to complete and return to him.

Appendix G detailed the effectiveness of the Committee and a number of areas were shown in the appendices rated between 1 and 5. The Head of Audit Services had identified some possible improvements, including: comparing the Council's risk management procedures against other authorities, further developing reporting of Corporate Risks so as to identify gaps in assurance and reviewing the governance of major programmes or projects, especially as the Council were currently undertaking some major projects.

In conclusion, the opinion of the Head of Audit Services was then presented, as set out in paragraphs 31 to 33 of the report submitted, noting that a 'Reasonable' assurance rating had been given on the Authority's framework of Governance, risk management and internal control. As previously mentioned in the Annual Governance Statement, the main concern related to the audit of Payroll transactions as insufficient progress had been made in terms of the issues that had been previously raised.

Arising from the presentation, Members stated that given the staffing constraints within the service, it was impressive to see that Audit Services performance remained at a high level and congratulations were expressed to the team. In relation to the publication of an Annual Report, Members considered that this would be greatly beneficial and could assist Members across the Council and the wider public in understanding the functions of this Committee. Referring to the number of unimplemented actions from the previous year, especially in relation to Schools, Members expressed their concern and it was suggested that further consideration be given to this issue to encourage services to implement the recommendations given by Audit Services.

### **Resolved**

- (1) That the information contained in the report and Appendices to the report submitted, be noted and accepted.
- (2) That Members who had not attended this Committee for a number of years, be requested to complete and return the questionnaire, attached as Appendix E to the report to the Head of Audit Services to identify any training needs in relation to the work of this Committee.
- (3) That the self-assessments included as Appendices F and G to the report submitted, be noted.
- (4) That the Head of Audit Services consider the proposal by Members that an Annual Report of Audit and Standards Committee be produced.

The meeting ended at 8:13pm.

CHAIR

## **Minutes of the Development Control Committee**

**Wednesday 17<sup>th</sup> July, 2019 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:-**

Councillor P Bradley, (Vice-Chair in the Chair)  
Councillors A Ahmed, R Burston, M Hanif, D Harley, S Keasey, C Neale, C Perks and E Taylor.

### **Officers:-**

P Mountford – Head of Planning and Regeneration, E Napier – Principal Planning Officer, H Yorke – Principal Planning Officer, J Hindley – Highways Officer, (all Place Directorate); G Breakwell – Solicitor and H Shepherd – Democratic Services Officer (Chief Executive's Directorate).

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#### 12 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors J Cowell and A Goddard.

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#### 13 **Appointment of Substitute Members**

It was noted that Councillors C Perks and S Keasey had been appointed as substitute Members for Councillors J Cowell and A Goddard, respectively.

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#### 14 **Declarations of Interest**

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

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#### 15 **Minutes**

##### **Resolved**

That the minutes of the meeting held on 26<sup>th</sup> June, 2019, be approved as a correct record and signed.

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## 16 **Plans and Applications to Develop**

A report of the Strategic Director Place 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. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons were in attendance at the meeting and spoke on the planning applications as indicated:-

<b><u>Application No.</u></b>	<b><u>Objectors/Supporters who wished to speak</u></b>	<b><u>Agent/Applicant who wished to speak</u></b>
P19/0450	Councillor S Ridney (Ward Councillor) Mrs Roberts	
P19/0454	Mr Bowhay	
P19/0585	Mr Timmins	Mr Brown
P19/0626	Councillor A Hopwood (Ward Councillor) Ms Eccles	Mr Stewart
P19/0846		Mr Davies

(a) **Planning Application No. P19/0450 – St John Fisher RC Church, Yew Tree Lane, Coseley – Proposed extension to children’s nursery.**

In presenting the report, Officers advised Members that the application related to the extension only and that the use classification was not for consideration. The current use class D1 related to non-residential institutions which included crèches, day nurseries and day centres, therefore an application for change of use was not required.

In considering the application, Members took into account the concerns raised by the objector and local Ward Councillor, as outlined in the report and as reported at the meeting regarding the lack of detail in relation to the car parking arrangements and drop off/collection arrangements for the children attending the proposed nursery provision. Whilst there was no objection to the use of the building as a nursery, objectors expressed concerns in respect to the provision being located close to a busy junction and within close proximity to Christ Church Primary School, where on-street car parking at peak times was an existing problem and feared that the safety of the children attending the nursery provision would be compromised.

Members also noted the comments made with regard to the poor air quality within the area, which would potentially be increased as a result of the facility together with the high number of road traffic accidents that had been reported in the locality and the traffic measures that had already been implemented to manage road safety.

### **Resolved**

Approved, subject to conditions numbered 1 to 3 (inclusive), as set out in the report submitted.

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(b) **Planning Application No. P19/0454 – Land adjacent to 61 Lyttleton Avenue, Halesowen – Erection of 1 no. dwelling**

In considering the application, Members took into account the concerns raised by the objector with regard to the proposed access to the dwelling and the impact this would have on the existing on-road car parking issues within Lyttleton Avenue, causing further congestion in the area.

In discussing the application, Members were advised by Officers that traffic regulation orders could not be added as a condition to the application, and would need to be pursued by residents with support from their local Ward Councillors.

### **Resolved**

Approved, subject to conditions numbered 1 to 9 (inclusive) and 11 as set out in the report submitted, the removal of condition numbered 12 and condition numbered 13 to be renumbered as 12, together with amended condition numbered 10 as outlined below:-

- 10 No above ground development shall commence until details of the electric vehicle charging points, to be provided for the dwelling in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.
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(c) **Planning Application No. P19/0585 – Land to rear of 57 Salop Street, Dudley – Erection of 4 no. two bedroom apartments with associated parking and amenity areas**

In presenting the report, Officers advised Members that this application was a re-submission of a larger scheme which was refused in 2017. An appeal against the decision was lodged and subsequently dismissed by the inspectorate for failure to provide 25% affordable housing.

In considering the application, Members took into account the comments made by the objector in attendance at the meeting relating to the complex planning history of the site, and that the position with the development site had not altered since submission of the previous application. It was commented that anti-social behaviour was still apparent in the area and that concerns had been raised by the local Ward Councillor and West Midlands Police in respect to the proposals. The objector advised that there were covenants in place in respect to the right of access to the site for the neighbouring business, which the proposed development would impede.

Members also considered the comments made by the developer in that they had worked collaboratively with the Local Authority to try to alleviate concerns of residents and the neighbouring business and as a result the proposal had subsequently been amended, with the number of proposed apartments reduced from eight to four. The reduction of the number of apartments however had resulted in there no longer being a requirement to provide any affordable housing.

Members were mindful of the concerns raised by local residents and West Midlands Police and acknowledged that the applicant had worked collaboratively with the authority to address concerns. Assurance was provided that the proposal would continue to allow large vehicles to access the existing business safely and that a condition in relation to car park management, to protect the access for the business, would be included in the application.

### **Resolved**

- (1) That the application be approved, subject to conditions numbered 1 to 7, 11 to 22 (inclusive) as set out in the report submitted and the removal of conditions numbered 8, 9 and 10.
  - (2) That the Strategic Director Place be authorised to make amendments to the conditions and include additional conditions, as necessary.
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(d) **Planning Application No. P19/0626 – Derelict and vacant former Longlands School, Bowling Green Road, Stourbridge – Erection of 52 no. dwellings with new vehicular access, engineering and landscape works (following demolition of existing college buildings) (Resubmission of refused application P18/0739)**

In deliberating the application, Members took into consideration the comments made by the local Ward Councillor, an objector and the agent at the meeting. Particular reference was made to the positive changes that had been made to the original application to address residents' concerns. However concerns by the objector were still expressed with regards to there being evidence of badger setts present on the proposed development site; increased congestion and high level of traffic in an already congested area and a lack of available school places within close proximity to the proposed development site. It was recognised by all parties that the site was in need of redevelopment and that existing buildings required demolition to address the high level of anti-social behaviour experienced in the area.

Members acknowledged that the developer had attempted to address all issues raised following refusal of the previous application and irrespective of the steps implemented it was recognised that the proposals would not be satisfactory to all concerned. Members were mindful that the petition submitted did not reflect the location and identity of signatories and that the number of objections submitted had significantly reduced from those in relation to the previous application.

**Resolved**

- (1) Approved, subject to conditions numbered 1, 3 to 8, 10 to 12, 14 to 23, 27 to 34, 37 to 38 (inclusive); the deletion of conditions numbered 24 and 36, and amended conditions numbered 2, 9, 13, 25, 26 and 35 as follows:-
  2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
P19-0097-100 Rev C  
P19-0097-101 Rev C  
P19-0097-102 Rev C  
P19-0097-104 Rev B  
P19-0107-01 Rev F  
P19-0107-03 Sheet No 01 Rev A  
P19-0107-03 Sheet No 02  
P19-0107-03 Sheet No 03

P19-0107-03 Sheet No 04 Rev A  
 P19-0107-03 Sheet No 06 Rev A  
 P19-0107-03 Sheet No 07 Rev A  
 P19-0107-03 Sheet No 08 Rev A  
 P19-0107-03 Sheet No 10 Rev B  
 P19-0107-03 Sheet No 11 Rev A  
 P19-0107-03 Sheet No 12 Rev A  
 P19-0107-03 Sheet No 13 Rev A  
 P19-0107-03 Sheet No 14 Rev A  
 P19-0107-03 Sheet No 16 Rev B  
 P19-0107-03 Sheet No 17 Rev A  
 P19-0107-03 Sheet No 18 Rev B  
 P19-0107-03 Sheet No 19 Rev A  
 P19-0107-03 Sheet No 20 Rev A (Alnwick)  
 P19-0107-03 Sheet No 20 (Single Garage)  
 P19-0107-03 Sheet No 21 Rev A (Hanbury)  
 P19-0107-03 Sheet No 21 (Double Garage)  
 P19-0107-03 Sheet No 22 (Large Single Garage)  
 P19-0107-04 Rev B  
 BGR-AH.000 Rev B  
 BGR-BD.0000.04 Rev B  
 BGR.CPL.0000 Rev B  
 BGR-EW.0000.02 Rev E  
 BGR-EW.0000.02.1 Rev D  
 BGR-EW.0000.02.2 Rev D  
 BGR-EW.0000.02.3 Rev D  
 BGR-ML.0000.3 Rev F  
 JKK10472-501.1 Rev 2  
 JKK10472-501.2 Rev 2  
 JKK10472-Longlands-500.1-TCP  
 JKK10472-Longlands-501.2-TCP Rev 1  
 S: 6687/J001143 Rev 4

9. The development shall not be first occupied until details of the future management of the open space, the nature conservation mitigation area to the eastern part of the site and any communal areas (excluding private gardens) which are not to be retained by/transferred to the Council have been submitted to and approved in writing by the Local Planning Authority. The open space the nature conservation mitigation area to the eastern part of the site and any communal areas shall thereafter be maintained and managed in accordance with the approved details for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

13. No development excluding demolition shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery outside of the confines of the former college campus) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.
  25. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4 metres and a 'y' distance of 43 metres to the east and 32m to west. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
  26. No development (excluding demolition, site clearance and initial ground works) shall commence until details of works of public art to the boundary walls to plots 1, 5, 20, 22 and 40 have been submitted to and approved in writing by the Local Planning Authority. The works of public art shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
  35. Plots 10 to 15, 34 to 36 and 41 to 44 shall not be occupied until details of secure and covered cycle storage to plots 10 to 15, 34 to 36 and 41 to 44 inclusive have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first occupation of the dwelling(s) and shall thereafter be retained and maintained for no other purpose, for the life of the development.
- (2) That a Section 106 Agreement for a contribution towards education, speed tables, safer routes to school initiative and the provision of 25% onsite affordable housing be entered into by the applicant.
  - (3) That the Section 106 Agreement be completed and in the event of this not happening, the application be refused if appropriate.

- (4) That the Strategic Director Place be authorised to make amendments to conditions as necessary.

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(e) **Planning Application No. P19/0846 – 47e New Rowley Road, Dudley – Two storey side/front/rear and single storey front extension. Rear orangery and erection of a new detached garage (Resubmission of refused application P19/0272)**

In considering the application, Members took into account the comments made by the agent in support of the proposal and the concerns expressed by Officers with regards to the scale, mass, height and design of the development, in particular relating to the forward projecting design of the proposed extension and the detrimental impact this would have on the character and appearance of the original property.

Members acknowledged that there were no highway issues and that the recommendation for refusal was based on the design of the proposed extension and that no attempt had been made by the applicant to address Planning Officer concerns.

Members were mindful that the property was located at the end of a private road, with significant land adjoining the property to accommodate a large development. It was considered that the proposed development would have limited impact upon the visual amenity of the area and was in proportion with the land available for development.

Planning Officers reiterated that the proposed development would be contrary to Planning Policies and would be a prominent addition to the host property and street scene. It was commented that four objections had been submitted to the original application, however none had been received for this application.

### **Resolved**

That the application be approved, subject to conditions as set out below:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no. 3998/BLK block plan, drawing no. 3998/22 Existing floor plans and elevations, drawing no. 3998/23 Proposed floor plans and elevations and drawing no. 3998/24 Proposed garage details.
- (3) The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.

- (4) All first floor windows to be installed in the side elevation of the building hereby approved shall be obscure-glazed, and top hinged if opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and thereafter maintained in that condition for the lifetime of development.
  - (5) The detached garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 47E New Rowley Road, Dudley. DY2 8AB and shall not be sold or let separately from the main dwelling house without the express grant of planning permission.
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The meeting ended at 7.50 pm

CHAIR

## **Minutes of the Development Control Committee**

**Tuesday 13th August, 2019 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:-**

Councillor A Goddard (Chair)  
Councillor P Bradley, (Vice-Chair)  
Councillors A Ahmed, R Burston, J Cowell, M Hanif, D Harley, S Keasey and J Martin.

### **Officers:-**

P Mountford – Head of Planning and Regeneration, C Mellor – Planning Manager, P Reed and H Yorke – Principal Planning Officer, I Hunt – Highways Officer (all Place Directorate); T Glews – Public Protection Manager, (People Directorate); G Breakwell – Solicitor and H Shepherd – Democratic Services Officer (Chief Executive's Directorate).

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#### **17    Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors C Neale and E Taylor.

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#### **18    Appointment of Substitute Members**

It was noted that Councillors S Keasey and J Martin had been appointed as substitute Members for Councillors C Neale and E Taylor, respectively, for this meeting of the Committee only.

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#### **19    Declarations of Interest**

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

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#### **20    Minutes**

##### **Resolved**

That the minutes of the meeting held on 17<sup>th</sup> July, 2019, be approved as a correct record and signed.

## 21 **Change in Order of Business**

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

### **Resolved**

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

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## 22 **Plans and Applications to Develop**

A report of the Strategic Director Place 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. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons were in attendance at the meeting and spoke on the planning applications as indicated:-

<b><u>Application No.</u></b>	<b><u>Objectors/Supporters who wished to speak</u></b>	<b><u>Agent/Applicant who wished to speak</u></b>
P19/0942	Councillor J Foster Mr S Taylor	Mr A Patrick-Smith
P19/0646	Councillor B Gentle Mr M Westwood	Mr B Beckett
P19/0661	Mr A Sangha	Mr C Stanley
P19/0752	Mr Millard	Mr N Carroll

(a) **Planning Application No. P19/0942 – Land off Dreadnought Road, Pensnett, Brierley Hill – Erection of Commercial Unit for B2, B8 & B1 (Ancillary Offices) Use, Comprising CIRCA 3,716 Square Metre Floor Space (Outline)(Access to be considered) (Resubmission of P19/0325)**

In considering the application, Members took into account the concerns raised by objectors and Ward Councillor, as outlined in the report and as reported at the meeting regarding the validity of the Road Safety Audit and the proposed manoeuvres articulated vehicles would undertake to access and egress the site. Concerns raised with regard to the location of the entrance, an increase in traffic flow, air and noise pollution and speeding vehicles in an area residents considered to be a well-documented highway accident blackspot, were also taken into account.

Arising from a comment made by a Member, it was confirmed that the Road Safety Audit had been undertaken by a reputable independent organisation and had been summarised by Officers within the context of the report circulated to Members. It was further noted that a full copy of the audit report had been made readily available online for Members perusal.

Members were mindful that Dreadnought Road was a busy road and that speeding problems did occur, but with very few accidents reported during peak business hours. Members acknowledged that Officers and the audit report indicated that vehicles could access and egress the site safely and without conflict with existing traffic.

### **Resolved**

Approved, subject to conditions numbered 1 to 30 (inclusive) as set out in the report submitted.

Pursuant to Council Procedure Rule 16.5 Councillor J Martin requested his vote to refuse the application be recorded.

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(b) **Planning Application No. P19/0646 – McDonald’s Restaurant, Birmingham New Road, Coseley – Removal of Condition 2 of Planning Approval P12/0508 to enable Trade 24 hours a day, seven days a week**

In considering the application, Members took into account the concerns raised by objectors and Ward Councillors as outlined in the report and as reported at the meeting in respect to the high noise levels residents were currently subjected to from the use of the drive-thru intercom system, extractor fan and patrons using the facility, which they considered would be exacerbated should the venue be allowed to operate 24 hours. The poor odour and light pollution from illuminations installed at the site, and the adverse impact this had on residents’ amenity and wellbeing was also taken into account together with the anti-social behaviour that occurred at the premises and adverse litter problems.

Members were mindful that the application was for an initial temporary period of twelve months and that measures could be put in place to limit the noise from the intercom system and extractor fan, however there were no measures that could be implemented to control noise associated with patrons using the vicinity and Members expressed concern of the detrimental impact this may have on residential amenity.

### **Resolved**

Refused, for the reason outlined below:-



The proposed 24 hour operation of the restaurant and drive thru, would adversely affect the amenities of occupiers of residential properties in the vicinity due to noise and disturbance from visiting patrons to the site during the increased hours of use, when background noise levels decrease significantly, contrary to Policies D2 (Incompatible Land uses); D5 (Noise Pollution) and D9 (Hot food takeaways) of the Dudley Borough Development Strategy and guidance contained within the National Planning Policy Framework (2018).

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(c) **Planning Application No. P19/0661 – Bishop Milner Catholic College, Burton Road, Dudley – Upgrade of Multi Use Games Area (MUGA) to include three metre perimeter fencing**

During the presentation of the planning application, it was noted that the proposal to install new floodlighting had been removed from the application and was no longer for consideration.

In considering the application, Members took into account the concerns raised by the objectors as outlined in the report and as reported at the meeting relating to the lack of consultation with residents with regards to the use of the Multi Use Game Area (MUGA); the absence of any acoustic barrier and the loss of light into residents gardens from the erection of 3 metre fencing.

Members also took into account the comments made by the applicant in support of the application, in that the operating times were not proposed to change; that the proposals would significantly improve the facilities available at the school to encourage outdoor activities for children and the community and that the proposed 3 metre fencing would be mesh green coloured coated fencing to limit any loss of light and dense sound.

**Resolved**

Approved, subject to conditions numbered 1 to 6 (inclusive) as set out in the report submitted.

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(d) **Planning Application No. P19/00752 – Land adjacent to 5 Patterdale Way, Brierley Hill – Erection of 1 No. Dwelling**

In considering the application, Members took into the account the concerns raised by objectors as outlined in the report and as reported at the meeting in relation to the negative impact the development would have on the existing congested and dangerous highway and the increase in vehicles and on-street car parking that the proposed development would cause.

**Resolved**

Approved, subject to conditions numbered 1 to 20 (inclusive) as set out in the report submitted.

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The meeting ended at 7:50 pm

CHAIR

DC/21

## **Minutes of the Development Control Committee**

**Monday 16<sup>th</sup> September, 2019 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:-**

Councillor A Goddard (Chair)  
Councillor P Bradley, (Vice-Chair)  
Councillors A Ahmed, R Burston, J Cowell, M Hanif, D Harley and E Taylor.

### **Officers:-**

P Mountford – Head of Planning and Regeneration, C Mellor – Planning Manager, H Yorke – Principal Planning Officer and J Hindley – Highways Officer (all Place Directorate); G Breakwell – Solicitor and K Griffiths – Democratic Services Officer (Chief Executive's Directorate).

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#### 23 **Apology for Absence**

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

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#### 24 **Declarations of Interest**

Councillor P Bradley declared a non-pecuniary interest in respect of Planning Application No. P19/0861 – Arnold Clarke, Brettell Lane, Stourbridge – Conversion and alterations to existing building to provide a new motor store and used car sales building to include internal showroom with associated office and ancillary accommodation. Provision of external vehicle display and additional parking, due to a previous public objection and confirmed that he would withdraw from the meeting during consideration of the application.

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#### 25 **Minutes**

##### **Resolved**

That the minutes of the meeting held on 13<sup>th</sup> August, 2019, be approved as a correct record and signed.

26 **Change in Order of Business**

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

**Resolved**

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

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27 **Introduction of a fee for undertaking searches on Dudley's Historic Environment Record (HER) for Commercial Users**

A report of the Strategic Director Place was submitted on the proposals regarding the introduction and setting of fee scales for providing the Historic Environment Record (HER) search service for commercial users.

**Resolved**

That the introduction of a fee schedule from 1<sup>st</sup> October, 2019 for providing the HER search service in accordance with the charges set out in Appendix B to the report submitted, be approved.

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28 **Plans and Applications to Develop**

A report of the Strategic Director Place 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. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons were in attendance at the meeting and spoke on the planning applications as indicated:-

<b><u>Application No.</u></b>	<b><u>Objectors/Supporters who wished to speak</u></b>	<b><u>Agent/Applicant who wished to speak</u></b>
P19/0595		Mr R Gibbons - Applicant
P19/1001	Councillor J Foster (Ward Councillor) Ms L Bradley – Objector	

(a) **Planning Application No. P19/0595 – 131 Wolverhampton Road, Sedgley, Dudley – Erection of 2 no. four bedroom detached dwellings (following demolition of existing bungalow)**

In considering the report, Members took into account the comments made by the applicant at the meeting, in particular in respect to the submission of various amendments to the scheme following a number of objections raised by members of the public during the initial consultation. The proposed development would provide two residential dwellings for families, which would create a positive contribution to the area. Although it was acknowledged that the plots were slighter narrower than other plots in the area, it was considered that it would not have a negative impact on the character of the area.

Members acknowledged the concerns of the officers and residents, as outlined in the report submitted, in particular, the proposed development appeared contrived, cramped in nature, represented significant overdevelopment of the site and the ridge height of the proposed dwellings was higher than adjacent dwellings, however, Members did not consider these concerns to be significant.

**Resolved**

Approved, subject to conditions numbered 1 – 16 (inclusive) as set out below:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following plans and amended plans:  
[Location Plan 18/06/19], [[18-12-04 Rev B], CA-210-01 Rev B]  
[CA-210-02 Rev A].  
REASON: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development (excluding demolition, site clearance and initial ground works), details/samples of the types, colours and textures of the materials to be used in the external elevations of the building (including roofing materials) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In order to ensure the quality and visual appearance of the development to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Development Strategy Policy L1 - Housing Development, Extensions and Alterations to Existing Dwellings.
4. No development shall commence (excluding demolition, site clearance and initial ground works) until detailed plans and sections showing proposed levels across the site and ground floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in complete accordance with the approved details.  
REASON: In the interests of the visual amenities of the area and to safeguard the amenities of occupants of neighbouring properties and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).
5. The development (dwellings) shall not be occupied 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.  
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

6. The development shall be first occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.  
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
7. No above ground development shall begin until details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part). This detail is required prior to the commencement of above ground works as the required works may need to be incorporated into buildings on the site and as well as needing to protect the amenity of existing and proposed occupiers.
8. No above ground development shall commence until details of the electric vehicle charging points, to be provided for the dwellings in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.  
REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

9. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NO<sub>x</sub> emission concentration rate of <40mg/kWh.  
REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.
10. Notwithstanding the details on the submitted plans / reports, no tree felling or pruning shall be undertaken until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.  
REASON: To ensure that all tree works carried out on site are appropriate and justified in line with the proposed development and the safeguarding of the visual and environmental amenity in accordance with policy with the Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).
11. No development shall commence nor shall any other operations commence on site or in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.  
REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part). This detail is required prior to the commencement of development to ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.



12. No development shall commence (including demolition, site clearance and initial ground works) until details of any proposed pathway / hard surfacing / driveway / parking area within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction - Recommendations') of any existing tree situated on or off the site have been submitted to and approved in writing by the Local Planning Authority. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely Clause 7.4 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within the Root Protection Area of existing trees must be constructed using 'no-dig' techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.

REASON: To ensure that existing trees within the site and in close proximity are not damaged or put under pressure for removal as a result of actual or perceived risk of driveway damage, thereby maintaining the visual and environmental quality of the site and the surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part). This detail is required prior to the commencement of development to ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.

13. All excavations to be undertaken within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations') of any existing trees on site shall be undertaken in accordance with NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG Volume 4).

REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).

14. The soil levels within the root protection zone of the retained trees are not to be altered, raised or lowered, without the prior written approval of the Local Planning Authority.  
REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2, Part 1, Classes A, B and D and of that order shall be carried out without the express grant of planning permission.  
REASON: In the interests of the privacy and amenity of surrounding residents in accordance with Borough Development Strategy 2017 Policy L1 - Housing Development, Extensions and Alterations to Existing Dwellings.
16. No above ground development shall commence until details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

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(b) **Planning Application No. P19/1001 – Workshop and yard rear of 3 to 23 Cygnet Lane, Pensnett, Brierley Hill – Erection of 8 no. dwellings.**

In considering the report, Members took into account the concerns raised by the local Ward Councillor and objector, as outlined in the report and as reported at the meeting regarding the safety aspect of the proposed access to the development. It was considered that the access to the development was narrow with poor visibility for vehicles entering and leaving the development and for residents living on the development and in surrounding areas. The development would potentially increase the volume of traffic along Cygnet Lane and exacerbate existing congestion problems. The lack of parking proposed for the development, potential loss of privacy of neighbouring residents, concerns in relation to the drainage system not being adequate for the size of the development, potential contamination of the land and the negative impact on the wildlife in the area were also raised.

During consideration of the application and the numerous concerns of residents, Members considered it necessary for a Site Visit to be undertaken prior to a decision being made.

**Resolved**

That the application be deferred for a site visit.

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At this juncture, Councillor P Bradley withdrew from the meeting.

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(c) **Planning Application No. P19/0861 – Arnold Clarke, Brettell Lane, Stourbridge – Conversion and alterations to existing building to provide a new motor store and used car sales building to include internal showroom with associated office and ancillary accommodation. Provision of external vehicle display and additional parking.**

**Resolved**

Approved, subject to conditions numbered 1 to 9 (inclusive) as set out in the report submitted.

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The meeting ended at 6.45 pm

CHAIR

DC/30

## **Minutes of the Ernest Stevens Trusts Management Committee**

Monday, 15<sup>th</sup> July, 2019 at 6.00 p.m.  
in Committee Room 3, The Council House, Dudley

### **Present**

Councillor I Kettle (Chair)  
Councillor C Elcock (Vice-Chair)  
Councillors J Cowell, M Hanif, A Hopwood and G Partridge

### **Co-opted Members**

D Sparks (Friends of Stevens Park)  
H Rogers (Friends of Mary Stevens Park)

### **Officers**

M Wilcox (Principal Lawyer), C Ludwig (Finance Manager) and M Johal (Senior Democratic Services Officer) – Chief Executives Directorate, G Dean (Head of Street and Green Care) and J Peterson (Property Surveyor) - Place Directorate

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#### **1      Apology for Absence**

An apology for absence from the meeting was received on behalf of J Marks (Co-opted Member, Friends of Wollescote Park).

The Senior Democratic Services Officer reported on a change of Co-opted Member for the Friends of Mary Stevens Park. Following a nomination being received and in accordance with powers delegated from the Annual Council meeting, approval was given to H Rogers to replace D Lewis as the representative for the Friends of Mary Stevens Park.

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#### **2      Declarations of Interest**

H Rogers declared a non-pecuniary interest in respect of any reference to Mary Stevens Park as she was a Member of the Friends of Mary Stevens Park and Swinford Common and a Member of the Parks Management Committee.

Councillor G Partridge declared a non-pecuniary interest in respect of any reference to Wollescote Park as she attended meetings of the Friends of Wollescote Park.

Councillor M Hanif declared a non-pecuniary interest in respect of any reference to Wollescote Park as he attended meetings of the Friends of Wollescote Park.

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3      **Minutes**

**Resolved**

That the minutes of the meeting held on 16<sup>th</sup> April, 2019, be approved as a correct record and signed.

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4      **Public Forum**

**Mary Stevens Park – Stourbridge**

The Vice-Chair reported that she had recently visited the Park and noticed that ducklings were escaping from gating at the point water flowed out of the pool onto Walton Road and was concerned that the ducklings may get flushed through due to the large holes. The issue had been raised through Councillor Contact but the response was that it was the responsibility of Severn Trent Water. A Co-opted Member indicated that the matter was an ongoing issue, and in the past, chicken wire had temporarily been placed in the grilles until the ducklings had matured. It was further commented that the new sluice gate had bigger holes.

A Member also referred to the steps at Mary Stevens Park leading to Love Lane and stated that some of the slabs were in need of repair. As there was no lighting it was particularly hazardous in the dark.

**Resolved**

That the Head of Street and Green Care be requested to investigate the issues with regard to the ducklings and steps at Mary Stevens Park and submit a report to the next meeting of the Committee.

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5      **Lease of Rooms at Mary Stevens Centre**

A report of the Strategic Director Place was submitted on information and documents as to how the Council, as Trustee, could expedite the completion of leases in respect of this property. Copies of draft template documents had been circulated to the Committee separately.

Arising from the presentation of the report the Principal Lawyer responded to questions raised by Members. In doing so, it was stated that information contained in the draft templates, particularly the exclusion notice, had been written and based on statutes and therefore could not be varied. The documents had been prepared with a view to tenants being required to complete leases prior to occupation.

## Resolved

- (1) That the information contained in the report be noted.
- (2) That the draft templates be finalised and approval be given to use these documents as part of heads of terms to be agreed with proposed tenants.

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### 6 **Bowling Green and Sunday Play Consultation – Mary Stevens Park, Norton, Stevens Park, Quarry Bank, Stevens Park, Wollescote and Homer Hill Park, Halesowen**

A report of the Strategic Director Place was submitted on the position in respect of the correspondence with the Charity Commission following the recommendation of the Committee on 13<sup>th</sup> February, 2017 “to request Legal Services to consult the Charity Commission about the development of a “scheme” in order to lift the restriction regarding playing ball games on Sundays and Good Fridays and to remove the restriction about leasing land for bowling and croquet to clubs and societies for the benefit of the Parks at Stevens Park, Wollescote, Stevens Park, Quarry Bank and Mary Stevens Park, Stourbridge.

In presenting the report the Principal Lawyer referred to a recent training session she had attended which covered discharge/modification of restricted covenants. Whilst at the session advice had been sought from the Barrister concerning the issues in this report and the opinion was that if the Council, as Trustee, were to go down the route as set out in 6(i) of the report, then the Court would more than likely grant consent to the modification or discharge.

The Senior Democratic Services Officer reported on views on behalf of Friends of Wollescote Park. An email had been received earlier that day advising that the matter had been discussed with the Friends of Wollescote Park Committee and the consensus of opinion was that they were not favourable to a change in the covenant.

A lengthy discussion ensued and the Head of Street and Green Care reminded the Committee on the results of the consultation that had taken place in 2016.

During the debate comments made by Members and Officers included the following:-

- Issues were still being experienced by prospective organisations requiring a license in that they also wanted Sunday play;
- With regard to the bowling green the possibility of public access being denied should a lease be granted;

- Should the Committee wish to progress the matter it was confirmed that a further consultation exercise would need to be undertaken due to the lapse in time;
- Differentials in organised games and informal play were questioned and whether general ball games could be allowed under the covenant; enforcement was also queried; In responding the Principal Lawyer stated that her interpretation was that the covenant stipulated no ball games on Sundays and Good Friday, however it was recognised that this was difficult to enforce, but it was open to challenge;
- Reference was made to the issues arising from playing informal football games which could involve a large number of cars being used to transport equipment and foul language;
- External legal advice would need to be engaged on pursuing the proposed option but advice would not be provided to guide the Committee on which option to pursue and this was a matter for the Committee to decide;
- Should the Committee be minded to pursue an amendment to the terms of the covenant the issue could be referred through the Court or Charity Commission (as per 6(i) and (ii) of the report) and associated cost implications were mentioned;
- Members were being approached about queries on leases and these were held in abeyance pending the outcome of the consultation and resolution of the issue;
- The legality of amending a legal document ie Deed of Gift was questioned; In responding the Principal Lawyer accepted that it was a legal document, however the Committee, as the Council's Trustee, had the power to make the decision to alter the document if it was beneficial to the public subject to an application to the Charity Commission and a Scheme being granted. The Council has evidence of this at Mary Stevens Hospice, Mary Stevens Centre and the property at Stevens Park, Quarry Bank;

## **Resolved**

That the Committee, as the Council's Trustee, are not minded to pursue the options in the report or amend the terms of the covenant at this stage.

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7

## **Bernard Oakley Memorial Gardens Trust and Richardson Hall**

A report of the Lead for Law and Governance was submitted on the available funds in respect of The Bernard Oakley Memorial Gardens Trust and Richardson Hall.

In presenting the report, the Principal Lawyer referred to funds that had recently come to light and were available in Trusts in respect of Bernard Oakley and Richardson Hall. There was no further information on whether there was still a rental income being received regarding Richardson Hall.

The Finance Manager indicated that attempts were being made to establish whether rental income was still being collected. However, she was aware that refurbishment works had been undertaken to the property a few years ago by the Friends of the Park but was uncertain whether the group were still active.

Concern was expressed on whether tenants could claim “squatter’s rights” if rent was not being charged or collected. In responding the Finance Manager indicated that there was no evidence of billing. However, refurbishment work that had previously been undertaken to Richardson Hall had been legitimate.

The Committee requested further detailed information surrounding the parks and lease dated 12<sup>th</sup> September, 1956 as referred to in paragraph 8 of the report submitted, together with options on expenditure of funding that had been identified.

### **Resolved**

- (1) That the information contained in the report submitted, be noted.
- (2) That a further report be submitted to the next meeting of the Committee providing detailed information surrounding the parks and lease dated 12<sup>th</sup> September, 1956, together with options on expenditure of funding.

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## **8 Ernest Stevens Trust – Mary Stevens Centre – Lease to ‘We Love Carers’**

A report of the Strategic Director Place was submitted on the current occupation of Mary Stevens Centre, Stourbridge.

In presenting the report the Property Surveyor referred to Dudley MIND and stated that although they were due to vacate the rooms in June this had not happened and they were now due to move at the end of July. It was confirmed that the organisation were refusing to make contributions as they had not signed the lease.

The Chair requested that a representative of Dudley MIND be invited to the next meeting of the Committee.

Members of the Committee welcomed and supported the lease of ground floor rooms to “We Love Carers”. However, concerns were expressed on widening the scheme for use and occupation of Mary Stevens Centre to Community Interest Companies or private individuals due to their instability.



It was suggested that a press release be pursued to promote the space available to generate interest from charitable organisations. In response to a query it was confirmed that Members of the Committee were able to promote space available to groups meeting the criteria.

**Resolved**

- (1) That a lease of ground floor rooms at Mary Stevens Centre to “We Love Carers” be approved.
- (2) That the widening of the scheme for use and occupation of Mary Stevens Centre to Community Interest Companies or private individuals be refused at this stage.
- (3) That the Property Surveyor be requested to invite a representative from Dudley MIND to the next meeting of the Committee.

The meeting ended at 7.30 pm

CHAIR

## **Minutes of the Licensing Sub-Committee 2**

**Tuesday 23<sup>rd</sup> July, 2019 at 10.00 am**  
**in the Council Chamber, The Council House, Dudley**

### **Present:-**

Councillor M Evans (Chair)  
Councillors J Baines and P Drake

### **Officers:-**

B Hughes – Assistant Team Manager, H Griffiths – Apprentice (Observing) (Place Directorate), T Holder – Solicitor, H Shepherd – Democratic Services Officer and G Gray – Assistant Democratic Services Officer (Observing) (Chief Executive's Directorate).

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#### 9 **Declarations of Interest**

In referring to Agenda Item No. 5 – Application to vary a premises licence – The Old Crispin, Councillors J Baines and P Drake confirmed for transparency purposes that an objector had attempted to make contact with them, but neither member had responded. It was noted that the same objector was known to them both through the political party, but neither Member had a personal affiliation with the individual.

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#### 10 **Minutes**

##### **Resolved**

That the minutes of the Licensing Sub-Committee 2 meeting held on 18<sup>th</sup> September, 2018, be approved as a correct record and signed.

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#### 11 **Application to vary a premises licence – The Old Crispin, 5 Church Street, Stourbridge**

A report of the Strategic Director Place was submitted on an application for variation of the premises licence in respect of the premises known as The Old Crispin, 5 Church Street, Stourbridge.

The following persons were in attendance at the meeting:-

Mr P Robson – John Gaunt & Partners Licensing Solicitors  
Mr C Haines – Designated Premises Supervisor  
Mr P Gill – Area Manager, Marstons PLC  
Mr J Long – Objector

Together with representatives from West Midlands Police observing the proceedings.

Following introductions, the Assistant Team Manager presented the report on behalf of the Council and outlined the proposed variations to the existing licence and confirmed that twelve representations opposing the proposals had been received. It was noted that the premises was located within the Cumulative Impact Zone that was agreed at full Council.

Mr J Long, on behalf of local residents, then made representations and in doing so stated that although other residents were unable to attend the meeting, their objections submitted, together with a video recording and other emails should be taken into consideration in conjunction with his own objections.

Mr Long acknowledged that he resided further away from the premises than other objectors, however considered that an increase in operational hours at the premises would further enhance the existing issues of late night taxis congregating on the public car park; increased drug activity and extensive litter and noise disturbance in Church Street. It was commented that he believed that the premises on occasions had unlawfully exceeded its opening hours and the proposed extension would encourage additional undesirable all night activity within a predominately residential area.

Arising from a question raised, Mr Long confirmed that he did not experience noise disturbance direct from the premises, but from revellers travelling past his property and that he personally had not reported any incidents direct to West Midlands Police.

Mr Robson then presented the case on behalf of Marstons PLC and in doing so confirmed that the current Designated Premises Supervisor was greatly experienced within the pub industry and that the application was not intended to change the character of the premises but to limit migration of its patrons to other licensed venues after the current closing time.

It was commented that further consideration had been given to the proposals submitted and it had been determined that the extension to trading hours on Thursdays was not necessary and would be withdrawn.

Mr Robson advised that significant consideration had been given to the proposals submitted and that West Midlands Police had been contacted in the first instance to ascertain their views. Twenty Temporary Event Notices had been granted to trial the extension over ten consecutive weekends prior to submitting the application to vary the licence. All events had taken place without any complaints received and following further consultation with West Midlands Police, an application for a permanent extension to trading hours was submitted.

It was acknowledged that the premises did form part of the Cumulative Impact Zone, however no objections had been received from responsible authorities. It was stated that the premises had developed a good working partnership with both West Midlands Police and Environmental Services and had implemented recommendations suggested including the appointment of three door staff after 10pm on weekends to help manage customers at the point of dispersal.

Mr Robson reiterated that no objections had been received during the temporary events and commented that the objections submitted in respect to the application did not predominately relate to the premises itself. However the applicant would be willing to include three conditions on the licence and a copy of the suggested conditions were circulated to all parties for information.

Members were advised that every effort had been made to address the concerns of residents, and that a meeting providing residents with the opportunity to express their views had been arranged but had not been well attended.

In referring to the objections received, Mr Robson advised the Sub-Committee of the preventative steps the Designated Premises Supervisor had taken to restrict disturbance to local residents and to address their concerns. It was also noted that the Designated Premises Supervisor undertook his own sound readings to ensure limited disturbance; cleared the frontage of the premises of any litter on a daily basis and instructed door staff to direct all customers leaving the premises to travel towards the town centre and ring road, to limit the footfall of people along Church Street.

Mr Robson referred to the video that had been submitted by an objector of an assault occurring on the car park of the Accountants located approximately 60 metres away from the public house. The severity of the incident was recognised, however Mr Robson questioned as to how the assault was connected to the premises. It was stated that it was evident however that no music noise could be heard on the video and therefore proved that the noise levels from The Old Crispin was not noticeable.

At the request of the Chair, the video in question was played to all present.

In responding to questions by Mr Long, Mr Robson confirmed that customers would be asked not to smoke outside the front of the premises and would be directed to the beer garden at the rear. It was reiterated that customers would be encouraged to travel towards the ring road and town centre when leaving the premises, but that customers could not be forced to do so.

Mr Robson also confirmed that the Designated Premises Supervisor was aware of the newly converted flats located directly opposite the premises, however residents that occupied those flats had not submitted any complaints to date. He indicated that there was no intention to change the status of the premises to a nightclub but to provide its customers with a safe environment and business would operate as usual.

Arising from a question from a Member, Mr Robson confirmed that every effort was made to ensure customers dispersed promptly, however considered it unreasonable to enforce a ten minute limit and that it was common practice for an additional non-standard timing to be included to extend all licensing hours by one hour on the commencement of British summertime to replace the one hour lost.

In responding to a question raised by a Member with regards to the steps implemented to address complaints, Mr Haines advised that he had been the Designated Premises Supervisor at the premises since February 2019 and during that period he had not been approached by any residents expressing concerns and that no complaints had been made to Marstons PLC direct or to Environmental Services. Had any complaints been received every effort would have been made to address these concerns accordingly.

Mr Haines advised that once he had been made aware of residents' complaints, he had tried to work with residents to help develop a good relationship and to address the issues. A telephone number was proposed to be made readily available whilst the premises were open so that any noise complaints could be reported by residents direct to the premises, all of which would be recorded in the incident book.

Arising from a further question raised it was confirmed that the latest time a customer would be admitted to the premises was currently 1.30am, which would be extended to 2.30am should the Committee be minded to grant the extension to trading hours.

In concluding Mr Robson commented that although the premises formed part of the Council's Cumulative Impact Zone and that it would be the rebuttable presumption that applications would be refused, it did allow discretion to grant such an application where there had been no representations received from responsible authorities or where it was demonstrated that the proposed operation would not add to the cumulative impact on the four licensing objectives, which was believed to be the case for this application. It was also reiterated that the extension to the trading hours was not the intention to attract new revellers, but to retain existing customers.

At this juncture, all parties were provided with the opportunity to sum-up their cases and following a question by the Solicitor all parties confirmed that they had received a fair hearing.

The Solicitor provided a summary of the application to be considered by the Sub-Committee together with the representations presented at the meeting and the written representations received, following which all parties were asked to withdraw from the meeting to enable the Sub-Committee to determine the application.

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

## **Resolved**

That, following careful consideration of the information contained in the report submitted and presented at the meeting, the application for variation of the premises licence in respect of the premises known as The Old Crispin, 5 Church Street, Stourbridge, be granted in the following terms:-

- (1) That the terminal hour for all licensable activities on Fridays and Saturdays be extended to 03.00 with the premises closing to the public 30 minutes thereafter;
- (2) That the terminal hour for licensable activities on Bank Holiday Fridays, Saturdays, Sundays and Mondays, Christmas Eve and Boxing Day be extended to 03.00 with the premises closing to the public 30 minutes thereafter and;
- (3) That a non-standard timing so that the licensing hours are extended by one hour on the commencement of British summertime to replace the hour lost, be added.

### **Conditions to be applied to the licence**

- (1) When regulated entertainment comprising live or recorded music is provided then external doors and windows will be kept closed except for the purposes of access/egress or in the event of an emergency.
- (2) A telephone line shall be in place that operates when the premises is providing licensable activities, subject to reasonable periods of maintenance or repair. The telephone number shall be displayed on the premises. Any noise complaints made by residents to the premises will be recorded in the incident book.
- (3) Notices shall be prominently displayed in all external areas reminding patrons to maintain acceptable noise levels and respect the needs of local residents.
- (4) Admission into the premises be restricted to 2am.
- (5) That the number of door staff present on weekends, be increased to four, with one door staff dedicated to control the beer garden area.

The meeting ended at 11.57 am.

CHAIR

## **Minutes of the Licensing Sub-Committee 2**

**Tuesday 27<sup>th</sup> August, 2019 at 10.45 am**  
**in the Council Chamber, The Council House, Dudley**

### **Present:-**

Councillor M Evans (Chair)  
Councillors J Baines and P Drake

### **Officers:-**

L Rouse – Senior Licensing Clerk (Licensing and Waste Enforcement) (Place Directorate), R Clark – Principal Solicitor and K Buckle – Democratic Services Officer (Chief Executive's Directorate).

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#### 12 **Declarations of Interest**

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

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#### 13 **Minutes**

##### **Resolved**

That the minutes of the Licensing Sub-Committee 2 meeting held on 23rd July, 2019, be approved as a correct record and signed.

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#### 14 **Application for Review of a Premises Licence – Darby End Stores, 63B Northfield Road, Dudley**

A report of the Strategic Director Place was submitted on an application for a review of the premises licence in respect of Darby End Stores, 63B Northfield Road, Dudley.

The following persons were in attendance at the meeting:-

Mr H Singh – Premises Licence Holder and Designated Premises Supervisor (DPS)  
Mr S Panchal – Licensing Advocate  
Mr D Singh – Manager  
Ms K Turley – West Midlands Police  
Ms D Jenkins – West Midlands Police  
Mr G Southall – Public Health  
Mr R Jones – Trading Standard Officer  
Mr G Vaughan – HM Immigration Officer

Following introductions, the Senior Licensing Clerk 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 the review of the premises licence.

It was noted that on 18th June, 2019 a 16 year old test purchaser was sold alcohol namely, two bottles of WKD alcohol both with a 4% ABV from the premises contrary to Section 146(1) of the Licensing Act 2003 and in direct contravention of the licensing objectives.

The Sub-Committee was informed of the circumstances surrounding the underage sale, in that Mr D Singh had not requested sight of the test purchaser's identification, although further investigations had revealed that the till prompt had worked correctly producing a Challenge 25 command automatically when alcoholic items were scanned. However the prompt had been ignored, with Mr D Singh failing to show due diligence.

It was noted that Mr H Singh was unable to produce a Refusals Register for the premises and had stated that there had not been one present for the previous four months, whilst the store was undergoing a refurbishment. All other statutory and advisory notices including those relating to 'No ID No Sale' were correctly displayed.

Mr D Singh had stated that he had been the Manager of the premises for eight to nine months and admitted to the underage sale, advising that "she looked younger I mean older, I thought she was 18".

The Sub-Committee was also informed that a further lack of due diligence had occurred by the owner of the premises employing an Indian National who had no right to be in, or to work in the United Kingdom, following an unrelated incident on 13th June, 2019 when he was found to be in sole charge of the premises and admitted being present on that occasion as an unpaid 'helper'. Despite no other staff members being present he had ready access to the keys to the store and was unable to name anyone connected to the management of the premises. HM Immigration checks had revealed that he had been illegally in the United Kingdom since his Visa expired in 2011.

The employment arrangements were not compliant with numerous employment standards.

The Sub-Committee was advised that despite the sale of the business to a Mr Didar Singh some eight to nine months previous, the premises licence remained with Mr H Singh (former owner), as did the role of DPS. During this time Mr Didar Singh had not appeared to take an interest in the running and management of the licence and had taken no steps to transfer the premises licence to himself or consider the role of the DPS.



Mr G Southall reported on the impact on the health of adolescents as a consequence of alcohol consumption. It was stated that the sale of alcohol to a young person was very serious and Public Health supported the recommendation to revoke, suspend or impose additional conditions on the licence on the grounds of protecting children from harm.

Ms D Jenkins then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that it was considered that the sale of alcohol to a young person was in direct contravention of the licensing objective to protect children from harm and therefore fully supported Trading Standards in the request for a review of the premises licence and supported the recommendation to revoke, suspend and impose additional conditions on the licence.

Mr G Vaughan Immigration Officer referred to the circumstances surrounding the immigration visit as outlined above and in doing so also advised the Sub-Committee that Mr Didar Singh had also employed illegal workers at another premises, and asserted that he would not be a responsible premises licence holder and therefore fully supported Trading Standards.

The Licensing Advocate presented the case on behalf of the premises owner, licence holder and DPS, referring to the mistake that had been made in selling alcohol to an underage purchaser, referring to subsequent steps that had been taken to promote the licensing objectives, including a training manual and a right to work checklist. There would also be a Refusal and Incident book.

The premises licence holder proposed additional conditions in order to rectify the issues that had come to light in June, 2019. It was also asserted that there would be a process for employment and for staff training. The future presence of a Refusals Register at the till together with appropriate signage for the sale of age restricted products, would also be provided.

It was noted that it was intended to change the DPS and the premises licence holder within the next week. However it was further noted that the proposed DPS had not completed the course for a personal licence but was due to on Wednesday 28th August, 2019. In the meantime Mr H Singh would be managing the day to day business in the store and would remain the premises licence holder and the DPS.

Mr H Singh advised Members that he visited the shop four times each week as a customer and advisor due to his previous involvement, and had run the business with his wife for 20 years.

At this juncture, all parties were provided with the opportunity to sum-up their cases.

Mr R Jones raised concerns in relation to the current premises owner, being dissatisfied with the way in which he had managed the premises during the preceding eight to nine months, failing to conduct appropriate checks and failure to deal with the transfer of the business licence. Mr R Jones was satisfied that the proposed steps to suspend and attach conditions to the premises licence would be insufficient, due to the current premises owner not conducting his duties appropriately.

Similar concerns were raised by Public Health and West Midlands Police and it was believed that the imposition of conditions would not address the fundamental issues that the review had brought to light.

The Licensing Advocate again requested a short 21 day suspension of the licence in order to deal with transferring the premises licence and appointment of the new DPS, with the conditions circulated to all parties being attached to the licence. Following this, all parties were asked to withdraw from the meeting to enable the Sub-Committee to determine the application.

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

### **Resolved**

That, following careful consideration of the information contained in the report submitted and as presented at the meeting, the premises licence in respect of the premises known as Darby End Stores, 63B Northfield Road, Dudley, be revoked.

The Licensing Advocate was advised of the right of appeal.

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The meeting ended at 12.30 pm.

CHAIR

## **Minutes of the Meeting of the Taxis Committee**

Thursday 11<sup>th</sup> July, 2019 at 6.00 p.m.  
in Committee Room 2 at the Council House, Priory Road, Dudley

### **Present:-**

Councillor A Hopwood (Chair)  
Councillor K Lewis (Vice-Chair)  
Councillors M Aston, R Body, B Challenor, J Cowell, S Keasey, C Perks and C Neale.

### **Officers:-**

H Marsh-Geyton – Head of Fleet and Waste Care and S Smith – Team Manager  
(Licensing and Waste Enforcement) (Place Directorate); S Wright - Solicitor and K  
Taylor - Democratic Services Officer (Chief Executive's Directorate)

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#### **10      Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors A  
Aston, H Bills and E Lawrence.

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#### **11      Appointment of Substitute Members**

It was noted that Councillors M Aston, S Keasey and C Perks had been appointed as  
substitute members for Councillors A Aston, E Lawrence and H Bills respectively, for  
this meeting of the Committee only.

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#### **12      Declarations of Interest**

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

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#### **13      Minutes**

##### **Resolved**

That the minutes of the meeting held on 30<sup>th</sup> May, 2019, be approved as a  
correct record and signed.

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14      **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 under Part I of Schedule 12A to the Local Government Act 1972, as amended.

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15      **Review of a Private Hire and Hackney Carriage Driver's Licence – Mr MH**

A report of the Strategic Director Place was submitted to consider a review of the private hire and hackney carriage driver's licence issued to Mr MH.

Mr MH was in attendance at the meeting and responded to questions asked by the Committee in relation to the circumstances surrounding the offence committed and his failure to report the conviction within the required seven day period.

Mr MH advised the Committee that there were no other matters pending that needed to be brought to the Committee's attention.

**Resolved**

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr MH receive a strong written warning as to his future conduct.

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16      **Application for a Grant of a Hackney Carriage and Private Hire Driver's Licence – Mr WM**

A report of the Strategic Director Place was submitted to consider the application for the grant of a hackney carriage and private hire driver's licence on behalf of Mr WM.

Mr WM was in attendance at the meeting and responded to questions asked by the Committee in relation to the circumstances surrounding the offences committed, in particular that the convictions had taken place prior to 2006 and that some allegations were not true.

Mr WM advised the Committee that there were no other matters pending that needed to be brought to the Committee's attention.

**Resolved**

- (1) That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, a hackney carriage and private hire driver's licence be granted to Mr WM for a period of three months.

- (2) That, subject to no offences pending at the time of renewal, officers be authorised to approve the granting of further licences for a period of six months and a subsequent twelve month period.
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17      **Application for Grant of a Private Hire Driver's Licence – Mr CWR**

A report of the Strategic Director Place was submitted to consider an application for the grant of a private hire driver's licence on behalf of Mr CWR.

Mr CWR was in attendance with his representative and supporter.

All parties made representations and responded to questions asked by the Committee in relation to the information contained in the report submitted as disclosed by the West Midlands Police. Mr CWR's supporter confirmed that Mr CWR was previously employed by him as a taxi driver and that there had been no issues or complaints against him.

Mr CWR advised the Committee that there were no matters pending that needed to be brought to the Committee's attention.

**Resolved**

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting and with the overriding consideration to protect the public, the Committee decided not to grant a private hire driver's licence under section 51 of the Local Government (Miscellaneous Provisions) Act 1976 as they was not satisfied Mr CWR was a fit and proper person to hold such a licence.

Mr CWR was informed of his right to appeal the decision of the Committee.

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18      **Application for a Grant of a Private Hire Driver's Licence – Mr HA**

A report of the Strategic Director Place was submitted to consider an application for the grant of a private hire driver's licence on behalf of Mr HA.

Mr HA was in attendance at the meeting and responded to questions asked by the Committee in relation to the circumstances surrounding the offences committed.

Mr HA advised the Committee that there were no other matters pending that needed to be brought to the Committee's attention.

**Resolved**

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, a Private Hire Driver's Licence be issued to Mr HA for a period of twelve months.

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19      **Application for a Grant of a Private Hire Operator's Licence – Mr MUR**

A report of the Strategic Director Place was submitted to consider an application for the grant of a private hire driver's operator's licence on behalf of Mr MUR.

Mr MUR was in attendance at the meeting and responded to questions asked by the Committee in relation to his private hire operator's licence issued by Sandwell Council.

Mr MUR also advised the Committee that there were no other matters pending that needed to be brought to the Committee's attention.

During consideration of the case and in response to Members concerns, Mr MUR was advised to monitor and review the management of his taxi bases.

**Resolved**

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, a Private Hire Operator's Licence be issued to Mr MUR.

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The meeting ended at 8.17pm

CHAIR

## **Minutes of the Meeting of the Taxis Committee**

Thursday 8th August, 2019 at 6.00 p.m.  
in Committee Room 2 at the Council House, Priory Road, Dudley

### **Present:-**

Councillor A Hopwood (Chair)  
Councillor K Lewis (Vice-Chair)  
Councillors A Aston, H Bills, R Body, B Challenor, J Cowell, E Lawrence and C Neale.

### **Officers:-**

H Marsh-Geyton – Head of Fleet and Waste Care and S Smith – Team Manager (Licensing and Waste Enforcement) (Place Directorate); T Holder - Solicitor and K Buckle - Democratic Services Officer (Chief Executive's Directorate)

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#### 20      **Declarations of Interest**

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

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#### 21      **Minutes**

##### **Resolved**

That the minutes of the meeting held on 11th July, 2019, be approved as a correct record and signed.

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#### 22      **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 under Part I of Schedule 12A to the Local Government Act 1972, as amended.

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#### 23      **Review of a Private Hire Driver's Licence – Mr MR**

A report of the Strategic Director Place was submitted to consider a review of the private hire driver's licence issued to Mr MR.

Mr MR was in attendance at the meeting and responded to questions asked by the Committee in relation to the circumstances surrounding the offences committed, in particular in relation to the frequency, with one being committed every year since 2017.

Mr MR advised the Committee that there were no other matters pending that needed to be brought to the Committee's attention.

**Resolved**

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr MR receive a strong written warning as to his future conduct.

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24      **Review of a Private Hire Driver's Licence – Mr KAR**

A report of the Strategic Director Place was submitted to consider a review of the private hire driver's licence issued to Mr KAR.

Mr KAR was in attendance at the meeting and responded to questions asked by the Committee in relation to the circumstances surrounding the offences committed and his failure to report the conviction within the required seven day period.

Mr KAR advised the Committee that there were no other matters pending that needed to be brought to the Committee's attention.

**Resolved**

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr KAR receive a strong written warning as to his future conduct.

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25      **Application for Grant of a Private Hire Driver's Licence – Mr MS**

A report of the Strategic Director Place was submitted to consider an application for the grant of a private hire driver's licence on behalf of Mr MS.

Mr MS was in attendance together with his representative and both parties responded to questions asked by the Committee in relation to the circumstances surrounding the offence committed.

Mr MS' representative advised the Committee that there was a speeding offence pending and responded to questions asked by the Committee in relation to the offence.

Mr MS' representative further advised the Committee that there were no other matters pending that needed to be brought to the Committee's attention.



## **Resolved**

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, a private hire driver's licence be granted to Mr MS for a period of twelve months.

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### **26     Application for Grant of a Private Hire and Hackney Carriage Driver's Licence – Mr MH**

A report of the Strategic Director Place was submitted to consider an application for the grant of a private hire and hackney carriage driver's licence on behalf of Mr MH.

Mr MH, together with his representative were in attendance at the meeting and responded to questions asked by the Committee in relation to the circumstances surrounding the offences committed, and further detail in relation to his failure to complete a Suitability Awareness test with Solihull Council.

Reference was made to Mr MH's long and exemplary record as a taxi driver over many years prior to failing the test.

Mr MH's representative also responded to questions asked by the Committee in relation to the private hire and hackney carriage driver's licences issued by both Birmingham City Council and Solihull Council to Mr MH previously.

Mr MH's representative advised the Committee that there were no other matters pending that needed to be brought to the Committee's attention.

## **Resolved**

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, a Private Hire and Hackney Carriage Driver's Licence be issued to Mr MH for a period of twelve months.

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### **27     Application for Grant of a Private Hire Driver's Licence – Mr NA**

A report of the Strategic Director Place was submitted to consider an application for the grant of a private hire driver's licence on behalf of Mr NA.

Mr NA was in attendance at the meeting and responded to questions asked by the Committee in relation to the offences committed and in particular the offence committed in 2006.

Mr NA acknowledged that he had made mistakes in the past and wished to apologise to the Committee. He referred to the number of years that had elapsed following the offence in 2006.

Mr NA also advised the Committee that there were no other matters pending that needed to be brought to the Committee's attention.

During consideration of the case Mr NA advised Members that he was a bus and coach driver and held a PCV driver's licence.

**Resolved**

- (1) That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, a private hire driver's licence be granted to Mr NA for an initial period of three months.
- (2) That, subject to no offences pending at the time of renewal, officers be authorised to approve the grant of further licences for six months and subsequently for a period of twelve months.

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The meeting ended at 7.20pm

CHAIR

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1.

**Delegated Decision Summary**

**Exempt**

Yes No

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Decision Made By** Councillor N Barlow

**Authorised By** Councillor N Barlow, Cabinet Member for Health and Adult Social Care  
Councillor S Phipps, Cabinet Member for Procurement, Trans. &

**In Consultation With** Martin Samuels, Strategic Director People  
Alan Lunt, Strategic Director Place

**Ward(s) Affected** All

**Date of Decision** 18 July 2019

**Reference** PPL/19/2019

**Flexible Retirement Request within Mental Health Services**

Request to support an application from Sharon Meggoe-McPherson (SM) for flexible retirement effective from 01.11.19

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2.

**Delegated Decision Summary**

**Exempt**

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor R Buttery

**Authorised By** Councillor R Buttery, Cabinet Member for Children and Young People

**In Consultation With** Martin Samuels, Strategic Director People

**Ward(s) Affected** Pedmore & Stourbridge East

**Date of Decision** 14 August 2019

**Reference** PPL/20/2019

**Academy Order for Ham Dingle Primary School**

- Approve the signing of a Commercial Transfer Agreement which transfers assets from the Council to the United Learning Trust.
- Approve the Council entering into a 125 Year peppercorn lease for the site with United Learning Trust.
- Approve the TUPE transfer of personnel from the employ of the Council to the employ of the United Learning Trust, under the Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (TUPE)
- Approve the making of any other agreements to facilitate the transfer

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

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor R Buttery**Authorised By** Councillor R Buttery, Cabinet Member for Children and Young People**In Consultation With** Martin Samuels, Strategic Director People**Ward(s) Affected** All**Date of Decision** 10 September 2019**Reference** PPL/21/2019**Dudley Community Fund – Distribution of Charity Funding**

- To authorise officers of the Council to consider the objects and beneficiaries of the Trusts registered at the Charity Commission (as detailed in the Appendix), to take into account the current education landscape, changes in schools, the nature of the curriculum, financial values and match to the appropriate schools.
- To authorise officers of the Council to consult with Head Teachers of the appropriate schools as to the suitability as to how the funds can be used to match the objects of the registered Charities whilst meeting the best interests of the beneficiaries.
- To authorise officers of the Council to agree with Head Teachers as to how the Schools can evidence that the funds have been allocated appropriately to the beneficiaries.
- To authorise the Lead for Law and Governance to write to the Charity Commission to confirm that the funds have been distributed and arrange for discharge/closure of the registered Charities at the Charity Commission.

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

Yes No

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Decision Made By** Councillor Steve Clark**Authorised By** Councillor Steve Clark, Cabinet Member for Finance and Legal Services

Councillor S Phipps, Cabinet Member for Procurement, Trans. &amp;

**In Consultation With** Iain Newman, Chief Officer Finance and Legal Services

Alan Lunt, Strategic Director Place

**Ward(s) Affected** All**Date of Decision** 29 July 2019**Reference** CEX/11/2019**Flexible Retirement Request within Corporate Health & Safety Team**

Request to support an application from Carl Bishop (CB) for flexible retirement effective from 01/04/2020

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

Yes No

<b>X</b>	
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**Decision Made By** Councillor Steve Clark**Authorised By** Councillor Steve Clark, Cabinet Member for Finance and Legal Services**In Consultation With** Iain Newman, Chief Officer Finance and Legal Services**Ward(s) Affected** All**Date of Decision** 27 August 2019**Reference** CEX/12/2019**To waive Contract Standing Order 8 to allow a negotiated award of a contract for the Supply of Semaphore and Voice Services with Virgin Media Business**

To waive Contract Standing Order 8 to allow a negotiated award of a contract for the Supply of Semaphore and Voice Services with Virgin Media Business until 31st January 2027 with options to review during 2024 to take account of changing Dudley MBC requirements and systems. (Contract Management Ref no 1567).

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

Yes No

	<b>X</b>
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**Decision Made By** Councillor P Harley**Authorised By** Councillor P Harley, Leader of the Council (Policy)

Councillor I Kettle, Cabinet Member for Regeneration and Enterprise

**In Consultation With** Iain Newman, Chief Officer Finance and Legal Services

Alan Lunt, Strategic Director Place

**Ward(s) Affected** All**Date of Decision** 27 June 2019**Reference** CEX/09/2019**Very Light Rail National Innovation Centre and Test Track : Advance of Fees**

To approve £225,000 expenditure for fees in advance of funding draw down from LEP and ERDF funding.

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**7.****Delegated Decision Summary****Exempt**

Yes No

☐ ☒

**Decision Made By** Councillor P Harley

**Authorised By** Councillor P Harley, Leader of the Council (Policy)  
Councillor S Phipps, Cabinet Member for Procurement, Trans. &  
Councillor I Kettle, Cabinet Member for Regeneration and Enterprise

**In Consultation With** Alan Lunt, Strategic Director Place  
Alan Lunt, Strategic Director Place  
Alan Lunt, Strategic Director Place

**Ward(s) Affected** All

**Date of Decision** 22 July 2019 **Reference** CEX/10/2019

**Appointment of Communications and Public Affairs Officer for Regen**

1.1 To request that the Council's Leader supports the creation and recruitment to a permanent Communications and Public Affairs officer (with focus on Regeneration Communications) Grade 9 post located within Communications and Public Affairs Team.

1.2 This post will be fully funded from the Regeneration/DY5 Budget.

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**8.****Delegated Decision Summary****Exempt**

Yes No

☐ ☒

**Decision Made By** Councillor P Harley

**Authorised By** Councillor P Harley, Leader of the Council (Policy)  
Councillor A Lees, Cabinet Member for West Midlands Combined Authority  
Councillor I Kettle, Cabinet Member for Regeneration and Enterprise

**In Consultation With** Iain Newman, Chief Officer Finance and Legal Services  
Alan Lunt, Strategic Director Place  
Alan Lunt, Strategic Director Place

**Ward(s) Affected** All

**Date of Decision** 02 August 2019 **Reference** PLA/29/2019

**Wednesbury to Brierley Hill Metro Extension - Associated Costs**

1.1 To agree to fund the works associated with the delivery of the Wednesbury to Brierley Hill Metro Extension and to include the expenditure in the capital programme.

1.2 To write to Transport for West Midlands and confirm that Dudley MBC will fund both the Complementary Measures and the Urban Realm Uplift costs before 2nd September in order that TfWM can instruct Midland Metro Alliance to include these interventions in the works.

1.3 That to enable timescales associated with the Legal Agreement between DBMC and WMCA (formally Centro) to be completed this decision is to be treated as a matter of urgency under Scrutiny Committee Procedure Rules – rule 15(1) and not subject to call in and be implemented with immediate effect without being subject to the usual notice and scrutiny call in procedures.

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

Yes No

☐ ☒

**Decision Made By** Councillor I Kettle

**Authorised By** Councillor I Kettle, Cabinet Member for Regeneration and Enterprise  
Councillor S Phipps, Cabinet Member for Procurement, Trans. &

**In Consultation With** Alan Lunt, Strategic Director Place  
Alan Lunt, Strategic Director Place

**Ward(s) Affected** All

**Date of Decision** 01 July 2019 **Reference** PLA/23/2019

**Creation of New Post – Assistant District Catering Manager**1.1 To create a new post of Assistant District Catering Manager

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

Yes No

☐ ☒

**Decision Made By** Councillor I Kettle

**Authorised By** Councillor I Kettle, Cabinet Member for Regeneration and Enterprise  
Councillor S Phipps, Cabinet Member for Procurement, Trans. &

**In Consultation With** Alan Lunt, Strategic Director Place  
Alan Lunt, Strategic Director Place

**Ward(s) Affected** All

**Date of Decision** 15 July 2019 **Reference** PLA/25/2019

**Recruitment of Skills and Business Support Officer (PL187)**1.1 That the recruitment, selection and appointment of a Skills and Business Support Officer secured through DY5 Enterprise Zone funding until 2021 be approved.

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

Yes No

☒ ☐

**Decision Made By** Councillor I Kettle

**Authorised By** Councillor I Kettle, Cabinet Member for Regeneration and Enterprise

**In Consultation With** Alan Lunt, Strategic Director Place

**Ward(s) Affected** St James's

**Date of Decision** 15 July 2019 **Reference** PLA/24/2019

**Two year extension to Tudor Markets' contract to manage Dudley Market. The extension will start on 01 July 2019 and end on 30 June 2021.**

1.1 To extend the contract awarded to Tudor Markets Ltd for a further two years, as permitted within the original contract award. Following the two-year extension the market contract will be re-tendered. Extending for the maximum two year period will demonstrate the Council's ongoing support while providing Tudor Markets with the appropriate time period to continue to develop the market.

**Decision Made By** Councillor I Kettle**Authorised By** Councillor I Kettle, Cabinet Member for Regeneration and Enterprise  
Councillor S Phipps, Cabinet Member for Procurement, Trans. &**In Consultation With** Alan Lunt, Strategic Director Place  
Alan Lunt, Strategic Director Place**Ward(s) Affected** All**Date of Decision** 17 July 2019**Reference** PLA/28/2019**Appointment of new staff within Adult Learning – Subject to WMCA Growth Fund Approval**

1.1 Subject to final confirmation of Growth Fund Approval. To create and appoint to a number of new externally funded posts within the Adult Learning Team:-

1 x Scale 10 – Curriculum Manager to support inclusive growth delivery and manage the engagement of targeted local residents via our local delivery centres and through partnerships.

3 x Scale 8 Curriculum Leaders to support the ongoing development and delivery of the curriculum offer with a focus on English/ESOL, Math's/Business and Health and Wellbeing. To ensure Ofsted and quality standards are maintained and to line manage tutors with specific subject specialisms.

3 x Scale 7 Outreach Workers to deliver outreach and advice and guidance to local residents particularly those in our most disadvantaged wards linked to the inclusive growth corridor.

1 x Scale 5 Information and Grants Officer, supporting resident engagement both on-line and through more traditional methods.

1 x Scale 4 Data administrator to support data entry for the service and ensure timely, accurate data is prepared for funding uploads.

3 x Full Time tutor vacancies delivering, Health and Wellbeing, Maths and English and progressing learners to qualifications if appropriate.

3 x Part Time tutor vacancies delivering, Arts (297 hours), Learning Disabilities (520 hours) and Family learning (400 hours).

1.2 The tutors are appointed on annualised hours therefore the calculation is shown in Appendix 1.



13.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor I Kettle**Authorised By** Councillor I Kettle, Cabinet Member for Regeneration and Enterprise  
Councillor S Phipps, Cabinet Member for Procurement, Trans. &**In Consultation With** Alan Lunt, Strategic Director Place  
Alan Lunt, Strategic Director Place**Ward(s) Affected** St James's**Date of Decision** 09 August 2019**Reference** PLA/30/2019Creation of New Post - Bar Supervisor based at Dudley Town Hall

1.1 To create a new post. The new Bar Supervisor, based at Dudley Town Hall, will be required to work on a 1,040 annualised hours' basis which equates to 20 hours per week over 52 weeks.

14.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor S Phipps**Authorised By** Councillor S Phipps, Cabinet Member for Procurement, Trans. &**In Consultation With** Alan Lunt, Strategic Director Place**Ward(s) Affected** All**Date of Decision** 28 August 2019**Reference** CEX/13/2019Holiday Pay and Variable Allowances

1.1 To approve the implementation of a backdated Holiday Pay Adjustment, along with an automated Pay Adjustment process for overtime and certain allowances to be taken into account in the calculation of pay for the first 20 days of leave taken in any holiday year from April 2018 for all employees.

15.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Karen Shakespeare**Authorised By** Councillor Karen Shakespeare, Cabinet Member for Environment, Highways &**In Consultation With** Alan Lunt, Strategic Director Place**Ward(s) Affected** Brockmoor & Pensnett**Date of Decision** 16 July 2019**Reference** PLA/26/2019ALLOCATION OF NEW ROAD NAME OFF VICTORIA STREET, PENSNETT - JAMES CLOSE

That the road identified on Plan No. T&T/D/RN/233 - Appendix 1 is named James Close.

16.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Karen Shakespeare

**Authorised By** Councillor Karen Shakespeare, Cabinet Member for Environment, Highways &

**In Consultation With** Alan Lunt, Strategic Director Place

**Ward(s) Affected** Brockmoor & Pensnett  
St James's  
Wollaston & Stourbridge Town  
Kingswinford North &  
WallHeath  
Kingswinford South  
Castle & Priory  
Coseley East  
Halesowen South  
Wordsley  
Quarry Bank & Dudley Wood  
Gornal  
Brierley Hill  
All  
Netherton, Woodside &  
St.Andr  
Norton

**Date of Decision** 16 July 2019**Reference** PLA/27/2019**LOCAL SAFETY SCHEMES, SAFER ROUTES TO SCHOOL AND PEDESTRIAN PROGRAMMES FOR 2019/20**

That the 2019/20 locations for measures as part of the Local Safety Schemes, Safer Routes to School and Pedestrian Programme, attached as Appendices A and B, be agreed in principle subject to consultation.

That any major changes to any scheme's principles, or valid objections to the proposals resulting from consultation as part of the detailed design, be reported to the Cabinet Member for Environment, Highways and Street Services through a Decision Sheet.

17.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Karen Shakespeare

**Authorised By** Councillor Karen Shakespeare, Cabinet Member for Environment, Highways &

**In Consultation With** Alan Lunt, Strategic Director Place

**Ward(s) Affected** St Thomas's

**Date of Decision** 19 August 2019

**Reference** PLA/31/2019

**Application for a licence by Gandey's Circus – Flood Street Car Park, Dudley**

1.1 That Gandey's Circus be granted a licence to hold their event on Flood Street Car Park, Dudley, on terms and conditions to be negotiated and agreed.