

# **COMMITTEE AND SUB- COMMITTEE MINUTES**

NOVEMBER 2014  
TO  
FEBRUARY, 2015

## **AND DELEGATED DECISION SUMMARIES**

**(see delegated decision summaries page for  
details of how to access decision sheets)**

## LIST OF MEETINGS

<u>Committee/Fora</u>	<u>Dates</u>	<u>Pages</u>	
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<u>COMMUNITY FORA</u>			
Netherton,Woodside and St Andrews and Quarry Bank and Dudley Wood	26/01/2015	NQCF/13	NQCF/16
Gornal and Upper Gornal and Woodsetton	26/01/2015	GCF/11	GCF/15
Coseley East and Sedgley	27/01/2015	CSCF/10	CSCF/12
Halesowen North and Halesowen South	27/01/2015	HCF/10	HCF/13
Norton,Pedmore and Stourbridge East and Wollaston and Stourbridge Town	28/01/2015	NPCF/10	NPCF/13
Castle and Priory,St James’s and St Thomas	28/01/2015	CPCF/16	CPCF/19
Kingswinford North and Wallheath,Kingswinford South and Wordsley	03/02/2015	TO FOLLOW	
Belle Vale,Hayley Green and Cradley South	03/02/2015	BVCF/11	BVCF/14
Brierley Hill,Brockmoor and Pensnett Gornal and Upper Gornal and Woodsetton	04/02/2015	TO FOLLOW	
Amblecote,Cradley and Wollescote,Lye and Stourbridge North	04/02/2015	ACF/12	ACF/15
<u>SCRUTINY COMMITTEES</u>			
Overview and Scrutiny Management Board	25/11/2014	OSMB/19	OSMB/24
Overview and Scrutiny Management Board	11/12/2014	OSMB/25	OSMB/30

Adult,Community and Housing Services	17/11/2014	ACHS/21	ACHS/26
Adult,Community and Housing Services	19/01/2015	ACHS/27	ACHS/33
Corporate Performance Management,Efficiency and Effectiveness	18/11/2014	CPMEE/15	CPMEE/19
Children's Services	19/11/2014	CSSC/19	CSSC/26
Children's Services	21/01/2015	TO FOLLOW	
Health	20/11/2014	HSC/16	HSC/24
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#### REGULATORY COMMITTEES

##### Appeals Committee

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##### Appointments Committee

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##### Audit and Standards Committee

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##### Development Control

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Licensing Sub Committee 3	13/01/2015	LSBC3/33	LSBC3/39
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<u>Taxis</u>			
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Dudley Health and Wellbeing Board	16/12/2014	DHWB/19	DHWB/27
<u>CABINET</u>			
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**Action Notes of the Netherton, Woodside and St Andrews/Quarry Bank and  
Dudley Wood Community Forum**

**Monday 26<sup>th</sup> January, 2015 at 6.30pm  
at Woodside Community Centre, Highgate Road, Dudley**

**Present:-**

Councillor Q Zada (Chair)  
Councillor B Cotterill (Vice-Chair)  
Councillors J Cowell, W Duckworth and E Taylor

**Officers:-**

A Tromans - Lead Officer to the Forum (Information Systems Manager, ICT Services) and K Griffiths - Democratic Services Officer (Directorate of Resources and Transformation)

Together with 8 members of the public

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**23     Welcome and Introductions**

The Chair welcomed everyone to the meeting. Following general announcements, the Chair introduced the Councillors and Council officers.

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**24     Dudley Town Centre Regeneration**

The Lead Officer to the Forum gave a verbal update on key points that demonstrated the steps that the Council was currently taking to support businesses and investment in Dudley Town Centre.

Members referred to the popularity of German/Victorian Markets and suggested similar themed markets be held in Dudley Town Centre to increase the footfall. Mention was also made to the high cost of public transport and Dudley being connected to the wider Borough, which had been raised with Centro.

The Chair thanked the Lead Officer for the update and hoped that the regeneration initiatives would bring back trade and investment opportunities to the town centre.

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**25     Listening to you – Questions and Comments by Local Residents**

**Subject**

**Action**

Concerns were raised in relation to rubbish on front gardens of properties on the Holly Hall Estate, with particular mention to Cochrane Road and requests that regular home checks be carried out to prevent the problem.

Referred for a written response.

NQCF/13

Reference was made to two vacant properties on Cochrane Road and it was requested that consideration be given to leasing the properties to suitable families that will take pride in their home and gardens.	Noted and comments referred for consideration.
General concerns were made in relation to rubbish being strewn across roads in the Borough and adverse comments regarding trailers and vehicles repeatedly using the Stourbridge waste centre.	Noted.
Issues were raised in relation to obstructive parking outside Woodside Community School and Children's Centre and on the corner of Oakwood Crescent. It was noted that the Police were aware of the issues; however no action had been taken. It was requested that the matter be investigated and appropriate action taken.	Referred for a written response.
It was suggested that red lines be positioned outside schools and that traffic wardens be employed to police particular areas.	Lead Officer to investigate further and arrange for a written response.
General concerns were raised in relation to Hospital car park charges. Reference was made to staff having to pay car park charges and having to go through the process of claiming the money back.	Noted.
A representative from Healthwatch Dudley circulated a leaflet and explained the service they provided and indicated that she would be available at the end of the meeting should any member or member of the public want to speak to her regarding healthcare issues.	Noted
Concerns were raised in relation to re-designating the number of bedrooms in properties. A resident referred, in detail, to his personal situation since the legislation on Bedroom Tax had been introduced. He indicated that residents were confused as to the definition of a bedroom and enquired what the criteria was to determine whether a room counted as a bedroom or not.	Referred for a written response.

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26 **Working with you: Topics raised by Local Councillors**

<u>Subject</u>	<u>Action</u>
A number of Councillors referred to the new pedestrian crossing at Pedmore Road. Members indicated that the crossing would be better utilised if a pedestrian entrance was provided to the Merry Hill Centre leading from the new crossing. It was noted that some work to that area was currently in progress.	Noted.

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

<u>Application</u>	<u>Recommendation</u>
Duke of Edinburgh Association	Refuse as it did not meet local guidelines.
St John's Church, Dudley Wood	Quarry Bank and Dudley Wood Ward – approval of £5,000 to fund electrical work on sockets and lighting to improve facilities for community use.
Enlight Projects	Quarry Bank and Dudley Wood Ward – approval of £5,000 for the cost of updating equipment, staff costs and building hire costs to support their work with young people.
Bowling Green Tenants and Residents Association	Quarry Bank and Dudley Wood Ward – approval of £500 to contribute towards a neighbourhood watch celebration event.
Quarry Bank Darby and Joan Club	That the application be considered as an urgent decision prior to the next Community Forum to avoid any further delay.

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

- Monday 16th March, 2015 - 6.30pm - Netherton Sports and Social Club

The meeting ended at 7.10pm.



## **Action Notes of the Gornal and Upper Gornal and Woodsetton Community Forum**

**Monday 26<sup>th</sup> January, 2015 at 6.30pm**  
**at Roberts Primary School, Robert Street, Lower Gornal, Dudley**

### **Present:**

Councillor K Casey (Chair)  
Councillor S Turner (Vice Chair)  
Councillors A Aston, D Branwood, D Perks and R Scott-Dow

### **Officers:**

J Jennings (Lead Officer) (Head of Communications and Public Affairs) and  
K Buckle (Democratic Services Officer)

Together with 23 members of the public

## **23 Welcome and Introductions**

The Chair welcomed those present and there followed introductions.

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## **24 National Grid**

Mr N Bayley representative of National Grid gave a verbal presentation in relation to the work to be conducted to replace gas mains in Louise Street, Gornal Wood and surrounding areas advising that work would commence on 27<sup>th</sup> February, 2015 for approximately seven weeks. The diversions, temporary traffic lights and one way systems were outlined together with details in relation to safe pedestrian management with the provision of marshals to assist those crossing roads during peak periods. It was noted that the impact on local businesses would be monitored. Project drawings were displayed and those present were invited to view the plans and ask questions.

Members thanked the representatives from National Grid for attending the meeting.

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## **25 Winter Warmth**

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

Detailed booklets were circulated providing a guide to reducing energy bills and contact details for the service were provided.

Members thanked Ms C Bennett for the extremely helpful and informative presentation.

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

**Subject**

**Action**

Concerns were raised that parts of the Quarry Club in Gornal had been condemned and it would not be possible to hold the yearly fun day at the Club. The Chair referred to meetings that had taken place and it was noted that internal surveys were being carried out to ascertain costs in order that investigating revenue streams to fund repairs could commence.

What action was being taken to deal with litter and dog fouling in the Gornal.

Referred to the Directorate of Environment, Economy and Housing.

A Petition was handed in on behalf of East Street Residents Group on behalf of the residents of Ranscombe Drive and Withern Way requesting that an overgrown area of land be cleared.

Referred to the Directorate of Environment, Economy and Housing.

Problems with trees in East Street, Lower Gornal were referred to and the Vice-Chair confirmed that work was to be undertaken in relation to the trees. It was noted that a date for the commencement of the work could not be provided as work in relation to trees would be conducted upon a priority basis.

The Vice-Chair referred to the provision of 12 new parking spaces and two new pedestrian crossings in Gornal Village and there followed a request for information regarding the type of crossings to be installed and a breakdown of costs for the provision of the parking spaces.

Referred to the Directorate of Environment, Economy and Housing.

Concerns were raised in relation to the lack of recycling facilities in Gornal and the Vice Chair referred to the fortnightly recycling collection that the Council operated advising that should further receptacles be required these would be provided by the Council.

A request that the public toilets in Gornal Village be re-opened. The Vice-Chair advised that the cost of re-instating the toilets would be investigated and a view would be taken on whether the costs were proportionate in the short term, as the supermarket that was to be constructed in Gornal Village would provide public toilets.

The Vice –Chair provided an update in relation to the provision of a new supermarket in Gornal Village advising that there had been problems purchasing the land from Eggingtons however a decision sheet in relation to a Compulsory Purchase Order for the land would be publicised shortly.

A request that bars be erected at the top of the alley adjacent to the business premises in Clarence Street, Upper Gornal as delivery vans were blocking the alleyway causing obstruction to pedestrian users.

Referred to the Directorate of Environment, Economy and Housing.

Concerns were raised in relation to the spillage of refuse following refuse collections causing a problem with litter and recycle bags being scattered in streets. It was also requested that dog fouling bins be replaced as some had been removed.

Referred to the Directorate of Environment, Economy and Housing and the Vice Chair to liaise with the appropriate Officers.

A request that the rubbish including needles be removed from the grit bin in The Close, Lower Gornal and re-filled with grit.

Referred to the Directorate of Environment, Economy and Housing.

A request that work be undertaken to address traffic problems at the Branford traffic lights, Parkes Hall Road. The Head of Traffic and Transportation advised that that funding required to deliver the proposed

traffic plan was unavailable, however further funding streams were being investigated.

Problems with vehicles belonging to the breakers yard in Vicarage Road West, Upper Gornal causing traffic chaos.

Councillor A Aston to liaise with the appropriate Council Officers.

Concerns were raised in relation to the dangerous bend in Vale Street adjacent to Moden Hill, Upper Gornal and also dangers to pedestrians in Duke Street, Upper Gornal.

The Head of Traffic and Transportation referred to the plan for the bend adjacent to Moden Hill in Vale Street, advising that a consultation with local residents would take place shortly in relation to the proposals.

The Chair to liaise with the appropriate Council Officers with the request that Duke Street also be factored into the proposed plan referred to above.

A request that parking in Hill Street, Upper Gornal be investigated.

Referred to the Directorate of Environment, Economy and Housing.

A request for information in relation to how the Housing Repairs and Finance Sections of the Council were administering their customer satisfaction surveys and when would the survey results become available.

Referred to the Directorates of Environment, Economy and Housing and the Directorate of Resources and Transformation.

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27 **Working with you: Topics raised by Local Councillors**

No topics were raised.

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28 **Community Forum Funding**

Application

Recommendation

Ellowes Hall and Area TRA

Urgent Application Approved prior to the meeting in the sum of £516.90 from the Gornal Ward.

Oval and Tudor Tenants and Residents Association.

Approved the sum of £810 from the Upper Gornal & Woodsetton Ward.

Brooklands Amateur Boxing  
Club

Approved in principal the sum of £7,913.55  
subject to the Lead Officer obtaining further  
detailed information in relation to the purpose of  
the funding.

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29      **Date, Time and Venue of Future Meeting**

Monday 16<sup>th</sup> March, 2015 – 6.30pm – Venue to be Confirmed.

The meeting ended at 8.50pm

## **Action Notes of the Coseley East/Sedgley Community Forum**

Tuesday ,27<sup>th</sup> January,2015 at 6.30 pm  
at Age Concern,Ettymore Road,Sedgley

### **Present:-**

Councillor D Caunt (Chair)  
Councillor C Baugh (Vice-Chair)  
Councillors B. Etheridge,S Etheridge and M Evans

### **Officers:-**

S Cooper (Lead Officer to the Forum) (Head of Corporate Landlord Services) and  
J.Jablonski (Democratic Services Officer)

Together with ten members of the public.

### 21 **Apology**

Councillor M Mottram.

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### 22 **Welcome and Introductions**

The Chair welcomed everyone to the meeting of the Coseley East/Sedgley Community Forum.

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### 23 **Listening to you – Questions and Comments from Local Residents**

#### **Subject**

#### **Action**

1.Concerns raised over rumour that the Rollers Public House,was to be used for accommodation for ex-offenders/young offenders

Ward Members commented on investigations carried out that had been unable to substantiate whether the rumour was accurate.The matter would be kept under review.

2.Query raised – What is the Council plan for youth services in Sedgley and Coseley in view of cuts that already happened.This was raised specifically in relation to Coseley Youth Centre and in the ensuing discussion information was also requested on the times that the centre was open and used and the possibility of switching opening times from daytime to evening.	Noted that the outcome of discussions that were still ongoing with respect to the budget for the next financial year were awaited.  Query passed to Dudley Council Plus for processing.
3.Councillor Caunt was thanked for his long service on behalf of the people of Sedgley, as this was his last meeting of the forum in Sedgley, as he would not be standing for election in May.	Noted
4.Road safety proposals in the Northway commented on in particular proposals would be going out for consultation with residents	Noted

24

### **Working with you – Topics Raised by Local Councillors**

<u>Subject</u>	<u>Action</u>
(1) Councillor Baugh referred to an issue raised at the last meeting regarding a lady that had now been dealt with ,the provision of Christmas lights in Roseville and a proposal to make the cenotaph in Roseville centre more prominent	Noted
(2) Councillor Evans referred to the positive response of the people of Sedgley to the provision of the new flag/coat of arms and the Christmas decorations that had been provided.	Noted
(3) Councillor S Etheridge referred in general terms to matters she had been dealing with.	Noted

(4) Councillor B Etheridge referred to over one hundred pieces of casework that had been dealt with; to the provision of Christmas lights in Bilston Street, Sedgley and the continuing issue of saving profit making public houses.

Noted

A general discussion ensued on the issue of saving public houses.

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25      **Community Forum Funding**

Application

Recommendation

Hurst Hill Community  
Association/Senior Citizens Thursday  
Club

Approve – confirmed funding of £562.33.

Over commitment on Coseley East  
Empty Shops/High Street Innovation  
Fund

Approve – the Community Forum reserve  
is used to cover the £157 over  
commitment on the Empty Shops/High  
Street Innovation Fund.

West Midlands Fire Service – training  
to young people from the Coseley  
High School area

Defer for consideration at the next  
meeting of the forum to enable further  
details to be obtained – Lead Officer to  
co-ordinate

Sedgley Scorpions Football

Approve – revised funding of £1305.60

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26      **Date, Time and Venue of Future Meeting**

Future meeting noted, as follows:-

Tuesday 17<sup>th</sup> March, 2015 (Christ Church C of E School, Church Road)

The meeting ended at 7.15 pm



## **Action Notes of the Halesowen North and Halesowen South Community Forum**

Tuesday 27<sup>th</sup> January, 2015 at 6.30pm  
at Leasowes Community College, Kent Road, Halesowen

### **Present:**

Councillor K. Shakespeare (Chair)  
Councillor A. Taylor (Vice-Chair)  
Councillors H. Bills, N. Gregory, S. Henley and D. Vickers.

### **Officers:**

S. Beckett (Lead Officer) (Customer Services Manager) and K. Griffiths  
(Democratic Services Officer)

together with 16 members of the public

## 21 **Welcome**

The Chair welcomed everyone to the meeting.

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## 22 **Winter Warmth**

Ms C Bennett, Warm Homes Officer gave a verbal presentation on the winter warmth services, circulating leaflets providing a guide for residents of the Dudley Borough to keeping warm and well at home during the winter months. It was noted that there were schemes that would assist with bills and provide assistance with price checking in order to secure more affordable utility providers.

Detailed booklets were circulated providing a guide to reducing energy bills and contact details for the service were provided.

Members thanked Ms C Bennett for the extremely helpful and informative presentation.

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## 23 **Listening to you: Questions and Comments from Local Residents**

### **Subject**

### **Action**

An update was requested on behalf of residents of Manor Lane in relation to the Safer Routes to School Scheme for Lapal Primary School. The following queries were raised:-

Lead Officer to investigate and arrange for a written response.

- The process, including timescales, being followed in relation to the consultation process.
- The formal proposals following initial consultation in late 2014 with interested local parties.
- Contingency in the event of a specific Council officer remaining off work.

Members noted the ongoing issues and responded to specific points.

A number of issues were raised in relation to issues covered by the Belle Vale and Hayley Green Community Forum.

Referred to Belle Vale and Hayley Green Community Forum for action.

Arising from comments made regarding the recent grant in relation to Halesowen in Bloom, a number of adverse comments were made regarding the Grange Island.

Following a lengthy discussion, it was noted that the resident would contact the Lead Officer direct regarding issues raised.

Queries were raised in relation to revenue received from general advertising on roundabouts, with particular mention of the Grange Island. It was suggested that the proceeds for advertising be used to maintain roundabouts.

In response to the query raised at the last forum, it had been confirmed that the income from island advertising went into the Council's general fund. The Lead Officer was asked to confirm if this had always been the situation.

Councillor Bills, Cabinet Member for Environment and Culture responded and assured the Forum that the matter would be pursued.

Further comments in relation to the Grange Island were made with particular mention to the recent introduction of the traffic safety scheme. It was noted that the scheme had not improved the situation and the introduction of part-time traffic lights during rush hour was suggested.

Noted.

Concerns were raised in relation to the poor condition of the white line markings under Junction 3 of the M5 with a request that the matter be investigated and appropriate action taken.

Referred for a written response.

A general comment was made requesting consideration being given to the erection of a sign stating Halesowen on the M5 exit junction instead of Kidderminster.

Noted.

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24      **Working with you: Topics raised by Local Councillors**

Subject

Action

The Chair gave a detailed update on development issues regarding Coombeswood Wedge, which members were opposed to and indicated that they would take further action as regards the proposal. It was noted that three petitions were currently in circulation against the proposal

Noted. Councillor Vickers reported that he was a Member of the Development Control Committee and had taken no part in the discussion.

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25      **Community Forum Funding**

Application

Recommendation

Walks in and around Halesowen

Approve £500 to assist with the printing and other associated costs of producing three walks around "Halesowen's Green Borderland".

Following a request, it was noted that large print copies of the various maps would be made available on the website once it was up and running.

Lapal Colts

Approve £446.60 to provide a line marking machine to mark out pitches for the football team based at Lapal Primary School.

Halesowen Chamber of Trade

Approve £2,000 allocated from the High Street Innovation/Empty Shops Grant to contribute towards the development of a proposal for a Business Improvement District (BID) in Halesowen Town Centre and that the application be referred for consideration at Belle Vale and Hayley Green Community Forum.

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26      **Update from West Midlands Police**

Sergeant J Fletcher introduced herself and updated the Forum on a number of Police issues affecting the Halesowen area. She reported that she would be available to contact should any member of the Council or public require her assistance.

The Lead Officer referred to the new free mobile application for iphones and android phones which was designed to enable residents to report various issues such as pot holes and graffiti affecting the Borough direct to the Council.

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27      **Date, Time and Venue of Future Meeting**

17<sup>th</sup> March, 2015 – Olive Hill Primary School – 6.30pm

The meeting ended at 8.10pm

**Action Notes of the Norton, Pedmore and Stourbridge East, Wollaston and  
Stourbridge Town Community Forum**

**Wednesday 28<sup>th</sup> January, 2015 at 6.30pm**  
**at Gig Mill Primary School, The Broadway, Norton, Stourbridge**

**Present:**

Councillor N Barlow (Chair)  
Councillors C Hale, L Jones, I Kettle, I Marrey, H Rogers and M Wood

**Officers:**

A Leigh (Lead Officer) (Head of Housing Strategy and Development – Directorate of Environment, Economy & Housing), J Pritchard (Winter Warmth, Public Health, Directorate of People Services) and H Shepherd (Democratic Services Officer – Directorate of Resources and Transformation)

Together with 19 members of the public

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21     **Welcome and Introductions**

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

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22     **Apologies for Absence**

Councillors M Attwood and C Elcock.

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

**Subject**

**Action**

Continual parking issues at Mary Stevens Park.

Lead Officer to forward all comments to the Interim Director of Children's Services and Councillors to continue to raise concerns with the Cabinet Member for Integrated Children's Services.

Request for crossing facilities to be developed at the junction of A491/Collis Street/Wollaston Road, due to the volume of traffic, as it is causing pedestrians difficulties in crossing the road safely.

Councillor Hale confirmed that double yellow lines were to be implemented at the top end of Wollaston Road, but was not aware of any changes in that area.

Referred for a response/action.

Large pothole on the A491 by the bus shelter next to the Ruby Chinese Restaurant. It had been filled several times before but kept reappearing.	Referred for a response/action.
Could Section 106 monies from the new Dalton Brook Housing Development on Wollaston Road, be used to improve local road facilities, due to the increase of residents using them?	Lead Officer to respond
Parking issue outside the flats on The Broadway, Norton, causing obstruction and difficulties for residents.	Referred for a response/action.
Grass verges on The Broadway, Norton. People have been parking on them and they are now a mud trap.	Referred for a response/action.
Request for consideration to be given on the possible inclusion of a condition to the planning application for the conversion of the Gig Mill Public House, to enable South Road residents to continue to park on the premises car park to avoid further congestion on the surrounding roads.	Referred for a response/action.
Request for consideration to be given on the current position of the pedestrian crossing in Bell Street, Stourbridge, as it is causing considerable concern due to the lack of visibility and whether it would be possible for this crossing to be moved nearer to Market Street, Stourbridge.	Referred for a response/action.
Issue in relation to fly-tipping and whether specific training was provided to Housing Operation Managers in dealing with these issues.	Lead Officer to speak to the resident direct after the meeting.
It was suggested that consideration should be given, if not already, on the possibility of charging 'In-Post' rent for the use of the land outside the KB Fishbar, Kingsway, Wollaston where the electronic postal business is situated.	Referred for a response/action.

Reference was made to the request submitted by Stourbridge College to discharge some of its Planning Conditions in relation to the development of a walkway around the campus and the replanting of trees in the reception area, and how residents could make objection to these requests.

Councillor Marrey stated that objections could be made direct to the Directorate of Environment, Economy & Housing or residents could contact him and he would then make the objections and representations on their behalf.

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24      **Winter Warmth Initiative**

J Pritchard from Public Health, Directorate of People Services gave a brief presentation on the Winter Warmth Initiative that was available for residents of the Dudley Borough. Booklets and leaflets were made available for the public to take away.

A suggestion was made of the possibility of the service being promoted through Tenants and Residents Associations as they dealt with vulnerable residents.

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25      **Working with you: Topics raised by Local Councillors**

Subject

Action

Councillor Marrey referred to the continual issues in relation to access to the Lions Health Centre, Stourbridge.

It was noted that the request for a pedestrian crossing on Enville Street had been refused as statistical information had identified insufficient warrant for a crossing in that area.

Councillor Barlow also confirmed that no resolution had been achieved in relation to additional bus services being provided to the Centre.

Both Councillors agreed to pursue these issues.

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26      **Community Forum Funding**

Application

Recommendation

Gig Caritas

Approve £2000

West Midlands Fire Service

Refuse, as does not meet the local criteria, however, Councillors would encourage a similar programme to be arranged within the Stourbridge area.

Home School Association –  
Ham Dingle Primary School

Refuse, as it was considered that Community  
Forum funding was not the appropriate funding  
type for this application.

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

Future meeting dates noted as follows:-

Wednesday 18<sup>th</sup> March, 2015 – Chawn Hill Church, Chawn Hill

The meeting ended at 8.20pm



**Action Notes of the Castle and Priory, St James's and St Thomas's  
Community Forum**

Wednesday 28<sup>th</sup> January, 2015 at 6.30 pm  
at St. Thomas's Community Network, Beechwood Road, Dudley.

**Present:**

Councillor K Finch (Chair)  
Councillor A Ahmed (Vice-Chair)  
Councillors K Ahmed, S Ali, A Finch and S Waltho.

**Officers:**

S Griffiths (Lead Officer to the Forum) (Democratic Services Manager)

Together with 14 members of the public.

22      **Apologies for Absence**

Councillors S Arshad, M Aston and M Roberts.

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23      **Welcome and Introductions**

The Chair and Vice-Chair welcomed everyone to the meeting. Councillors and Officers introduced themselves.

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24      **Listening to you – Questions and Comments from Local Residents**

<u>Subject</u>	<u>Action</u>
Request to secure bin areas under Flats 39, 41, 43 and 45 Watsons Close, Kates Hill. Problems had been reported to the Council over a period of four years.	Referred for a response/action. Councillor S Waltho supported the request and confirmed that this issue had been raised several times without a successful resolution. He would pursue the resident's concerns.
Request for information regarding roof repairs at Flats 39 to 45 Watsons Close, Kates Hill.	Referred for a response.
Ongoing parking issues on Russells Hall Estate. Problems resolved in Abbotsford Drive, but continued in Bushey Fields Road, Ashenhurst Road, Overfield Road and Middlepark Road.	Councillor K Ahmed welcomed comments regarding Abbotsford Drive and noted other concerns. There was unlikely to be a solution to satisfy all residents. The Council was faced with severe budget issues restricting the ability to undertake future improvement works.

Unkempt hedgerows in Bushey Fields Road; rubbish and black bags being dumped along the road, encouraging fly-tipping.	Members noted this ongoing issue. Referred for a response/action. The Chair encouraged local residents to report incidents of fly tipping and to collect evidence to identify the perpetrators.
Ongoing drainage problems at the playing fields on Russells Hall Estate.	A site visit had been undertaken and issues were referred for response/action.
Issues and concerns in relation to a tenant in Middlepark Road.	Information passed to the Lead Officer for referral to appropriate Council Officers.
Issues in relation to the condition of roads on the Russells Hall Estate, including potholes and the possibility of removing/modifying some of the traffic calming measures.	Councillor K Ahmed stated that some modifications had been made to lower road humps but, in general terms, traffic calming measures in that area would not be removed.
Problems being experienced by a resident concerning rats at a private property and damage being caused at surrounding properties.	The Chair advised that pest control could assist with the problem. Officers were scheduled to visit the resident concerned.
Russells Hall Estate: Blocked drains in Bushey Fields Road; rubbish in Overfield Road; street lamp adjacent to 24 Overfield Road obstructed by the fir tree at 7 Pearce Close; tree branches and brambles left on Bushey Fields Road after pruning; progress regarding stray horses; request for road markings at the bottom of Pearce Close; issues relating to Broadmeadow Retirement Village and the use of Section 106 monies.	Members noted and commented on individual issues and these would be referred for a progress report or a response/action where necessary.
Licensing conditions applied to the supermarket on Middlepark Road, Russells Hall. Concern that conditions had not been implemented in relation to the provision of adequate car parking spaces. This was causing parking problems.	Members noted the situation and asked for this to be referred for a response or appropriate action to be taken regarding non-compliance with the conditions.
Issue concerning funding allocated for the Foodbank.	Noted.

Health and safety concerns regarding congestion and traffic at Oakham Road. The work undertaken had not resolved all the problems. Request that National Express be contacted again concerning their vehicles travelling along the road when alternative routes were available.	Councillor Ali stated that he was aware of the issues and would continue to pursue action by working with residents to resolve ongoing problems. Concerns would be reported to Officers for a response/action. Ward Councillors undertook to pursue the issue regarding National Express.
Regeneration of Dudley Town Centre: Positive comments were made about the improvements to King Street. Concerns were raised about new pedestrian crossing lights outside Cousins furniture store which were confusing. Similar concerns regarding the pedestrian lights by the public toilets in the Town Centre. Lack of signage to public toilets.	Councillor K Ahmed noted and commented on the issues raised. These would be pursued and referred for a response or appropriate action.  It was noted that there were timing issues with the traffic lights at Hall Street.
Review of the closure of Blackacre Road.	Councillor K Ahmed had undertaken to review this after 6 months of operation.
A resident asked if officers could ensure that future meetings of the Forum did not clash with PACT meetings. He informed Members that a Street Watch Scheme had been implemented in Kates Hill.	Noted.
Concerns about a reduction in Police resources in Kates Hill following the recent reduction in crime numbers.	Noted.
English Defence League (EDL) protest scheduled on 7 <sup>th</sup> February, 2015. Reference was made to the Police vehicles positioned adjacent to the proposed development site and a query as to why trees had been removed from the site.	A leaflet was circulated giving advice from the Council/West Midlands Police. Ongoing consideration was being given by the relevant agencies to dealing with the event on 7 <sup>th</sup> February, 2015. The removal of trees was the responsibility of the land owner.
Progress update on the works at Dudley Market Place and the potential for additional charges due to delays in completing the project.	Councillor K Ahmed stated that works were anticipated to be completed by the end of April and acknowledged that the project had been delayed for various reasons.

Request for public toilets in Dudley Town Centre to be open on Sundays, particularly during trading hours, to assist with the regeneration of the Town.

Councillor K Ahmed advised of the ongoing budget issues faced by the Council. Alternative suggestions or options would be considered, particularly working with community groups who might apply for grant assistance.

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25 **Working with you – Topics Raised by Local Councillors**

Councillor S Waltho referred to the “Rise Up for St Thomas’s” community event to celebrate multicultural Dudley to be held on 31<sup>st</sup> January, 2015.

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26 **Community Forum – Love Your Local Community Funding**

Application

Recommendation

Dudley MBC – Environmental Management Division (St James Ward)

Noted – this application had been deferred at the previous meeting to ascertain the exact location of the proposed Christmas tree in Milking Bank. Members subsequently recommended refusal of the application.

Duke of Edinburgh Award Association

Approve a contribution of £500, in principle, to be split equally between the three wards, subject to confirmation that the scheme will be of direct benefit to local people within the wards.

Arc-Aid

Approve £1,500 to be split equally between the three wards (allocation to be from the High Street Innovation Fund).

The following grant application was considered as a matter of urgency:-

Priory Park Boxing Club

A contribution of £1,500 was recommended at the meeting. Following further consultation with the Chair and ward members, the recommendation was amended to approve £2,500 in total (£1,500 from Castle and Priory and £500 each from the St James’s and St Thomas’s wards).

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27 **Next Meeting**

Wednesday 18<sup>th</sup> March, 2015 at 6.30pm - St Barnabus’ C of E Church.

The meeting ended at 8.20 pm

**Action Notes of the meeting of the Belle Vale, Hayley Green  
and Cradley South Community Forum**

Tuesday, 3<sup>rd</sup> February, 2015 at 6.30 p.m.  
at Windsor High School, Richmond Street, Halesowen

**PRESENT:-**

Councillor D Russell (Chair),  
Councillor A Goddard (Vice Chair),  
Councillors I Cooper, R James, H Turner and K Turner

**OFFICERS:-**

A Webb (Lead Officer to the Forum) - Head of Sport and Physical Activity and  
R Sanders (Assistant Principal Officer - Democratic Services)

together with 9 members of the public

22           The Chair welcomed everyone present to the meeting.

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23           **Listening To You**

**Subject**

**Action**

**Albrighton Road/ Tenlands Road,**

Damage to grass verge at this junction caused by parking of heavy vehicles. Resident who raised the issue had contacted the company but to no avail.

Referred to the Directorate of the Environment, Economy and Housing.

**Thornhill Road**

Obstructions from parking continue, notwithstanding the 3 hour waiting limit.

Referred to the Directorate of the Environment, Economy and Housing.  
Vice-Chair also to investigate.

### Newfield Crescent/Whittingham Road

Parking by students at Halesowen College. Reference also made to parking problems arising from Earls Gymnastic Centre and from football users.

Consideration of residents' parking scheme was requested but it was pointed out that a survey on this had been undertaken some 4-5 years previously and the required 80% majority of residents in favour had not been achieved.

Suggestion made by resident that vacant land adjacent to Halesowen College could be utilised for additional parking for the College. Further suggestion made that as students were permitted to park at Macro and then catch bus to College, more of them should be encouraged to do so. Reference made to a questionnaire that had been sent out recently regarding installation of parking restrictions.

Parking issues referred to Directorate of the Environment, Economy and Housing.

Parking issues to be raised again at meetings with the College Principal. Members satisfied that the residents who raised the issues may attend meeting with Principal with them.

Questionnaire on parking restrictions to be sent to resident in Newfield Lane who stated that he had not received a copy.

### Litter along alleyway from Newfield Crescent to Halesowen College

Reference made to problem of litter along alleyway

Referred to the Directorate of the Environment, Economy and Housing

### Drug taking at Newfield Lane and surrounding roads

Problem of drug taking in this vicinity reported by two local residents.

Chair to contact Police and ask them to act.

Issue to be raised at PACT meeting. Cllr Cooper to notify resident who raised issue of date and venue of next PACT meeting.

Length of time taken by statutory undertakers to complete work

Concern expressed at length of time taken by statutory undertakers to complete their work. Particular reference made to green area at Fox Lea and High Farm Road. (It was pointed out that the Council has no powers in this regard)

Referred to the Directorate of the Environment, Economy and Housing to establish the anticipated completion date for the work at Fox Lea and High Farm Road.

Road signs at M5 junction

Request made for the road sign at the junction of the M5 and A456 to include Halesowen. Request supported by the members of the Forum.

Referred to the Directorate of the Environment, Economy and Housing to approach the Highways Agency.

Fly posters

Problem of fly posters reported. Particular reference made to Hawne Lane.

Recognised that this was a Police matter.

Cllr Cooper offered to pursue matter if resident who raised the issue would provide him with photographs.

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24 **Working for You**

No issues were raised under this item

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25 **Love Your Community – Love Your Local Community Fund**

Application

Halesowen Chamber of  
Trade – Business  
Improvement District

Recommendation

Approve award of £2000 from the  
Empty Shops/High Street Innovation  
Fund budget .

Approve further award of £1000 from the Empty Shops/High Street Innovation Fund budget, subject to the Halesowen North and South Community Forum making an additional award in the same sum.

Halesowen Chamber of Trade – shortfall in funding for Christmas lights

Approve award of £1059, to be paid with immediate effect on the proviso that the sum may be met from the Empty Shops/High Street Innovation Fund budget and vired back to that Fund from the Love Your Community budget as soon as possible in 2015/16.

Women's Awareness Association

Refuse application.

The meeting ended at 8.10 p.m.

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**Action Notes of the Amblecote, Cradley and Wollescote and Lye and Stourbridge  
North Community Forum**

**Wednesday 4<sup>th</sup> February, 2015 at 6.35pm  
at Amblecote Church Hall, Vicarage Road, Amblecote**

**Present:**

Councillor C Perks (Chair)  
Councillor G Partridge (Vice-Chair)  
Councillors P Bradley, M Hanif and P Lowe

**Officers:**

A Grove (Lead Officer - Head of Youth Service), K Taylor (Democratic Services Officer) and C Bennett, Warm Homes Officer, Dudley MBC

Together with 5 members of the public

26 **Apologies for Absence**

Councillors R Body, T Crumpton, T Herbert and P Martin.

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27 **Welcome and Introductions**

The Chair welcomed everyone to the Amblecote, Cradley and Wollescote, Lye and Stourbridge North Community Forum.

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28 **Winter Warmth Presentation**

Ms C Bennett, Warm Homes Officer gave a verbal presentation on the winter warmth services which was available to all residents. It was noted that visits were undertaken at properties in order to provide advice on obtaining loft insulation and cavity wall insulation and assistance with bills and price checking in order to secure more affordable utility providers.

It was noted that those who were struggling to keep warm would be provided with portable heaters, blankets and energy saving light bulbs. Ms Bennett further reported on ways in which a resident or someone on their behalf could contact the service and request a home visit.

Leaflets providing a guide to keeping warm and well at home during the winter months, together with contact details, were circulated and all those in attendance thanked Ms Bennett for the presentation given.

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

<u>Subject</u>	<u>Action</u>
A resident referred to the missing gates at the entrance of Homer Hill Park, and although the gates had been retrieved; they had been notified that in order to replace the gates they would have to sought planning permission and funding.	Councillor Partridge apologised for the difficulties caused and undertook to investigate further.
Concerns were raised in relation to the Limes Flats, adjoining Homer Hill Park, in particular, that a metal fence had been erected on Trust land facing the flats, therefore denying use of trust land for recreation, which the Charity Commission had not approved.	Referred for a written response.
Reference was made to the park track on Homer Hill Park leading to Slade Road and the proposed 20mph speed limit through the park which is too fast. The give way lines at Slade Road fail to determine shared priority with pedestrian park users.	Referred for a written response.
Issues were raised in regard to the CCTV at Midland Heart development at Homer Hill which overlooks the park and park track – No licences in place to allow operation of cameras so children and house holders are at risk of infringement of human rights legislation.	Referred for a written response.
Concerns were raised by a resident in relation to the potential conflict of interest by the Highways Department in relation to the consultation and plans in respect of the pathway on Homer Hill Park.	Referred for a written response.  Councillor G Partridge also undertook to investigate further.
A resident referred to issues raised concerning the lack of public parking at Wollescote Park, which was raised at a number of Community Forums, and thanked the Chair for her response.	Members acknowledged the issues raised and suggested that it would be beneficial to involve the local community Friends of Groups.

A resident raised concerns in relation to the lack of consultation in relation to Homer Hill Park.	Referred for a written response.
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Issues relating to accidents and obstruction caused by parking in Hillbank Road and Butchers Lane, Cradley.	Referred for a written response.
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30      **Working with you: Topics raised by Local Councillors**

Councillor Partridge referred to the ongoing work in relation to traffic schemes, in particular, the possibility of introducing no parking zones in Cradley.	Noted.
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Councillor Partridge referred to the consultation in respect of maximising public houses sites.	Noted.
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Councillor Partridge referred to the possibility of creating local Tenants and Residents Associations.	Noted.
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Councillor Lowe reported on the success of the Big Question consultation, in particular, that the expenditure of the consultation had been minimal.	Noted.
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Councillor Lowe reported on the pending announcements in relation to the rent and council tax rate freezes. He also requested that resident's feedback on the wording of the letter that would be sent to all residents in the borough.	Noted.
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Councillor Hanif referred to parking issues surrounding Thorns Primary Schools, with particular reference to the need of additional signage on the carriageway.	Noted.
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Councillor Hanif referred to the derelict car park on Valley Road, and that a Friends Group would be set up to look at converting half of the car park to a playground.	Noted.
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Councillor Perks referred to the resurfacing of paths in Amblecote, in particular, in Collis Street and near Vicarage Road. Noted.

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31 **Community Forum Funding**

At this juncture, the Chair declared a non pecuniary interest in relation to the funding application submitted from Friends of Amblecote, as she had been actively involved in the development of Amblecote in Bloom.

Stourbridge Glassboys Under 11 FC	Approve a contribution of £1,000 in principle, however should other funding become available the contribution be withdrawn.
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Amblecote History Society	Approve £500.
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Friends of Amblecote	Approve £1500.
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1 <sup>st</sup> Peters Hill Girls Brigade	Refused – does not meet the criteria.
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32 **Other Business**

A resident referred to the possibility of merging Community Forum meetings with PACT meetings, however following consultation with those who attended PACT meetings, it was deemed that combining the meetings would not benefit local residents.

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33 **Date, Time and Venue of Future Meeting**

Wednesday 25<sup>th</sup> March, 2015 (Lye Community Centre)

The meeting ended at 8.15pm

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

**Tuesday, 25th November, 2014 at 4.30 p.m.**  
**at the Council House, Priory Road, Dudley**

### **Present:**

Councillor Tyler (Chair);  
Councillor A Finch (Vice-Chair);  
Councillors N Barlow, P Bradley, D Caunt, I Cooper, C Hale, M Hanif, L Jones,  
M Mottram and G Simms.

### **Officers:**

R Sims, Assistant Director ,Housing Strategy and Private Sector ( Lead Officer to the Board),A Pope-Smith, Director of Adult, Community and Housing Services,J Millar, Director of Urban Environment, P Tart, Director of Corporate Resources, P Sharratt, Interim Director of Children's Services, K Jackson, Interim Director of Public Health, I Newman,Treasurer, M Bowsher , Assistant Director (Quality and Commissioning) and J Jablonski (Assistant Principal Officer - Democratic Services - Directorate of Corporate Resources).

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#### 23      **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor R James.

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#### 24      **Appointment of Substitute Member**

It was reported that Councillor D Caunt had been appointed as a substitute for Councillor R James for this meeting of the Board.

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#### 25      **Declaration of Interests**

No Member declared an interest in any matter to be considered at the meeting.

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#### 26      **Minutes**

Resolved

That the minutes of the meeting held on 16<sup>th</sup> October, 2014, be approved as a correct record and signed.

**Medium Term Financial Strategy**

A joint report of the Chief Executive and Treasurer was submitted on the preliminary Medium Term Financial Strategy approved by Cabinet on 29<sup>th</sup> October, 2014 as a basis for consultation.

The Treasurer in his introduction to the report commented on matters raised at the five meetings of scrutiny committees held prior to this meeting. One particular comment made, arising from comments made at committees, was the need for further explanatory text in the report and this would be included in future reports.

Following the comments of the Treasurer questions were asked -

On the monies received by the Council arising from the refinancing of Birmingham Airport and on the amount of funding received under the Staying Put Fund.

It was reported that the Council received £3.9million in December, 2013 in respect of the first matter and the Interim Director of Children's Services would respond to Councillor Simms direct on the second matter.

Members then proceeded to consider the content of Appendices B and C to the report – Proposed Savings in respect of the Council's Directorates and Proposed use of Public Health Grant 2015/16 – respectively.

In respect of proposed savings for Adult, Community and Housing the following issues were raised

- How committed the Dudley Clinical Commissioning Group (CCG) were to contributing to the Council's finances. A large element of this related to the Better Care Fund. It was reported that because the Government had changed the criteria recently the £6.870 million was still subject to negotiation. However the actual amount should be able to be confirmed shortly and would have to be formally signed off by both the Council and the CCG. Arrangements could be made to report the outcome to Members.
- Mental Health Services – whether the savings shown were achievable. Assurances were given based on work done by the review team identifying reduced costs.
- Unicorn Day Centre – how the savings shown were reached. An assurance was given that the saving shown could be met through various measures that were being considered.

Issues raised in respect of Children's Services were as follows –

- How additional surplus traded service income would be generated. Examples were given of traded services which it was considered could lead to further income given the good brand name of the Service. It was considered that the target could be met.
- Restructure the Integrated Youth Support Service-implications. It was reported that there were four elements to this service and that restructuring and targeting of services would be involved. In response to a question asked the Interim Director of Children's Services would arrange for all Members of the Committee to receive details of the current overall budget for the Service.

In response to a further question as to how many youth centres will have closed by the end of 2017/18 and in particular whether the Sedgley Youth Centre would still be open it was considered that this detail could not be given. It was however considered that some youth centres were likely to close.

- Home to school and college transport – concerns were raised at the overall costs involved and the need to act. In response various measures were mentioned together with the joint working with the Directorate of Adult, Community and Housing Services on commissioning of provision. Work done by that directorate in respect of consultation and in terms of costs and quality of provision were also mentioned.

Arising from further comments made that substantial savings and a better service could be achieved by changing the way the service was provided for example by joint usage with West Midlands Special Needs Transport it was agreed that the outcomes of the consultations held be reported to the next meeting of the committee.

- Children's Centres and health visitor service. It was reported that the contribution from Public Health Grant to support children's centres would be £70,000 in year and a further £470,000 in 2015/16. The Health Visitor Service would become the commissioning responsibility of the local authority in 2015 and this would afford further opportunities for integration and efficiency in the delivery of services to children and young people.
- Dudley Performing Arts (DPA) – in response to comments made it was reported that DPA was not sustainable in its present form and was operated separately from the traded services previously referred to. One possible future option for DPA was for it to operate under a trust arrangement.

Issues raised in respect of Urban Environment were as follows –

- Reduction in the road reconstruction and resurfacing programme – concerns raised at the reduction and impact of this. It was confirmed Dudley had received the largest share of recent government funding for road maintenance across the four Black Country Councils and it was hoped that Dudley's robust Highways Asset Management Plan would help attract additional government funding in the future. The Director of the Urban Environment also referred to the careful balance between preventative programmed repairs and reactive repairs citing also new micro asphalt and recycled material road surfacing treatments now being used borough wide.
- Reduction in gully drain emptying. In response to comments made the Director of the Urban Environment undertook to arrange for Councillor Caunt to be notified of the detail in relation to this proposed saving.
- Redesign of Pest Control Service – query as to whether this involved an increase in fees or reduction of staff. In response it was reported that the options were either outsourcing the service due to peaks and troughs in service demand or a review of the current charging regime.
- Increase bereavement charges – arising from this item comments were made about the capacity of Stourbridge crematorium. The Director of the Urban Environment indicated that the feasibility and cost benefit of providing extra seating at Stourbridge crematorium had been revisited and that he would arrange for Councillor Caunt to be contacted directly on the outcome.
- Switch off selected street lighting from midnight. It was noted that trials had taken place already with dimming and trimming of lights including within the Castle and Priory ward area with no adverse comments received. Further trials would now be undertaken following consultation. Currently there were no proposals to switch off traffic lights at night.

Issues raised in respect of Corporate Resources were as follows –

- Human Resources and Organisational Development – concerns over proposed savings and their impact. In relation to the staffing aspects the Director of Corporate Resources would arrange for details to be sent to Councillor Caunt.

Operationally, whilst directorates would be expected to do more HR type work themselves this did not extend to taking on specialised HR activity.

Arising from comments made about the relationship between recharging and savings, the Treasurer explained the arrangement involved.



In relation to the Chief Executive's directorate no issues were raised.

Issues raised in respect of the proposed use of Public Health Grant –

- In response to a query as to the anticipated underspend for the current financial year, the Interim Director of Public Health undertook to arrange for Councillor Caunt to be informed of this.
- In response to a query as to the earmarked reserves for Public Health it was noted that these were estimated to be £1.7million at the start of 2015/16 and £1.1million at the end of that year.
- New projects – diabetic eye screening – arising from comments made as to the usefulness of this project it was reported that the project was intended to further raise awareness given the 75% take up of the service from the 100% of persons contacted and the need to do targeted work.

In response to a query as to whether the number of opticians undertaking screening could be increased it was reported that the contract with opticians was with NHS England and that the question of their availability needed to be raised with that body.

The results of the work undertaken would be reported to the relevant scrutiny committee.

- In response to a query as to how the budget would cover arrangements for dealing with an ebola outbreak in the borough, it was reported that the Lead Respondent would be Public Health England with whom there was a co-operation agreement. NHS England would cover the costs of work/activity at the local level

The Interim Director of Public Health would respond to Councillor Barlow direct as to whether a similar co-operation agreement covered the City Hospital, Birmingham.

Arising from comments made, a general query was raised as to whether any further work had been done since 2012 on zero based budgeting.

In response the Treasurer reported that whilst that term was not used a number of areas had been subject to challenge over several years.

It was also being proposed that Budget Challenge Teams would be set up to challenge aspects of the budget given the £30 million savings that needed to be achieved by 2017/18.

It was commented upon that this should include service delivery so that the right money was spent in the right places.

The need to address such issues was recognised including the delivery of services in different ways given the need to achieve the savings required.

In response to a further query as to how much capital monies were used to cover pension costs/redundancies the Treasurer undertook to respond direct to Councillor Caunt on this matter.

At the conclusion of all comments made, the Chair thanked Members and Officers for their contributions made.

Resolved

That the Cabinet's proposals for the Medium Term Financial Strategy to 2017/18, as set out in the report submitted, as commented upon by the Scrutiny Committees and as considered by this Board, as indicated above, be noted and that the Officers identified be requested to respond direct to the Members indicated on the issues shown.

The meeting ended at 6.10 pm

CHAIR

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

**Thursday, 11<sup>th</sup> December, 2014 at 6.00 p.m.**  
**at the Council House, Priory Road, Dudley**

### **Present:**

Councillor D Tyler (Chair)  
Councillor A Finch (Vice-Chair)  
Councillors P Bradley, I Cooper, C Hale, M Hanif, L Jones, M Mottram, G Simms  
and A Taylor

### **Officers:**

R Sims, Assistant Director (Housing Strategy and Private Sector - Lead Officer  
to the Board), S Griffiths (Democratic Services Manager) and M Johal  
(Democratic Services Officer - Directorate of Corporate Resources).

### **Also in Attendance**

B Coombes (Area Manager, CENTRO)  
R Graves (Dudley Group of Hospitals)  
J Evans (Dudley Clinical Commissioning Group)

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#### 28      **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors  
N Barlow and R James.

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#### 29      **Appointment of Substitute Member**

It was reported that Councillor A Taylor had been appointed as a substitute  
member for Councillor N Barlow for this meeting of the Board.

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#### 30      **Declaration of Interests**

Councillor M Hanif referred to Item No 5 (Russells Hall Hospital) and stated that  
he was a Centro member appointed by the Council.

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#### 31      **Minutes**

Resolved:

That the minutes of the meeting held on 25<sup>th</sup> November, 2014, be  
approved as a correct record and signed.

**Russells Hall Hospital – Parking and Transport Issues**

A report of the Lead Officer to the Committee was submitted on ongoing parking and transport issues concerning Russells Hall Hospital and the surrounding areas. Information on buses at Russells Hall Hospital together with a list of buses that serviced the area were also circulated to Members at the meeting.

In presenting the report, the Lead Officer to the Committee highlighted concerns relating to parking issues at the hospital and the need to improve public transport. It was also noted that bus operators were reluctant to service particular routes to the hospital as buses were getting caught up in tailbacks.

Ms Coombes (Area Manager – Centro) was in attendance and explained that her role involved the promotion and development of buses across the Black Country. Centro was a public body, however it was pointed out that, although they were responsible for public transport and worked closely with the operators to determine best access for people, they were not responsible for operating services.

During the course of the presentation and in responding to Members queries, Ms Coombes made the following points:-

- It was considered that Russells Hall Hospital generally had a very good level of access to bus services and concerns were due to the lack of communication about the services that were available. Various initiatives relating to marketing and publicising bus service information in conjunction with Russells Hall Hospital had proved to be useful. Discussions were also being held with a view to improvements being made to accessing the hospital site from bus stops.

A Member commented that leaflets with detailed information on bus services should be made available to every household.

- In responding to a comment about there being no direct bus service from Halesowen to the hospital, it was stated that this was one of the routes that National Express had decided to withdraw from July of this year. Centro had raised concerns but failed to make an impact due to reasons from National Express relating to low usage of the service and unreliability issues. However, Centro would continue to have discussions with National Express and Ward Councillors given the impact on frail and elderly residents residing in Lodgefield and Station Roads.
- There were various other transport services available for people with mobility issues such as the Patient Transport Service and Ring and Ride. In response to a query on whether a carer or supporter could escort the patient on the transport provided, Ms Coombes indicated that she was not certain but undertook to submit a response to the Committee.

A Member commented that although there were other transport services available people were not aware of them due to poor publicity.

- Varying changes were made to bus services by the operators and if Centro did not agree with a change, discussions would be held with a view to the operator reconsidering their decision. However, for commercial reasons, operators were not always willing to negotiate.
- Referred to the Voluntary Multilateral Agreement (VMA) which enables Centro to co-ordinate meetings between partners with a view to committing them to introducing measures to improve the quality of bus services and reliability.
- A bus network review would also be undertaken with a view to gathering feedback on positives and negatives from service users. In response to a query from a Member about there being no direct bus service from Coseley to New Cross or Russells Hall Hospitals it was commented that if there was demand for a specific route the matter should be reported through the consultation process for the review.

A Member commented that following a public meeting views had been expressed about varying problems that were being experienced with buses, particularly with reliability on certain routes. It was stated that all Members of the Council should give their full support with a view to overcoming these problems and making a positive impact.

Ms Coombes stated that the bus review was likely to be completed during October 2015 and commented that all Members of the Council would be invited to consultation meetings and that members of the public would also be given the opportunity to submit their views via a series of public exhibitions.

- There were issues with buses getting blocked on roads surrounding Russells Hall Hospital by people parking their vehicles inconsiderately and consequently operators were reluctant to service a route where such problems occurred.

Mr R Graves (Dudley Group of Hospitals) then made the following points relating to parking at the hospital:-

- Outlined the various measures that had been put into place to alleviate parking problems at the hospital particularly during peak periods, which included upgrading security and allocating a taxi drop off and pick up point, with no waiting, being placed at the entrance. In response to a query about provision for picking up patients that were not well or may have had day surgery it was stated that the taxi drop off and pick up point could also be used for these purposes and although it stated “no waiting” the rules were relatively relaxed.

- The hospital had a good relationship with bus operators and any problems were amicably discussed. The faulty barrier which had caused traffic to tailback and consequently buses getting stuck in traffic had now been replaced and had alleviated some of the congestion problems.
- The Hospital had made an additional five disabled spaces available and were satisfied that these numbers were sufficient. However, it was acknowledged that there was a need to continue to monitor and revisit the position with a view to increasing disabled spaces, if necessary.
- In response to a complaint about people parking on the surrounding roads to avoid payment and whether consideration could be given to free or reduced parking, particularly for disabled people, it was stated that the charges were controlled by the PFI (Private Finance Initiative) provider. Any reductions would need to be paid for by the Trust.
- Reduced or free parking was available for repeat visitors, patients with renal problems and those suffering from cancer and it was acknowledged that these concessions should be more widely publicised.
- It was noted that appointments could be better managed, for example, an appointment after 9.30 am could be offered to people over the age of 60 as they were then able to use their bus pass, which in turn could reduce traffic congestion. It was also noted that the appointment booking system should be better publicised.

Ms Coombes commented that Centro were aware of problems with appointments, including the times of appointments from previous feedback and discussions were taking place in conjunction with Sandwell Clinical Commissioning Group with a view to addressing the issue. Some measures had also been put into place to encourage patients to use public transport such as printing public bus information on appointment letters and enabling the public to download a real time bus application onto mobile phones which had been positively received.

- Reference was made to an article in the press relating to two hundred additional car parking spaces planned for Russells Hall Hospital on land owned by the Trust at the rear of the site and it was indicated that discussions were still ongoing. Any decision on extra staff car parking would also be subject to a full environmental impact assessment and full planning application procedures.

A Member commented that although it was acknowledged that this was a quasi-judicial process this was an example whereby the process placed a burden on developments that were vital for the community and it was considered that the Council should take a pragmatic view in applying any local planning policies which were within the discretion of the Local Authority.

The Chair stated that the Council should offer their full support for the development to create additional car parking spaces and it was suggested that an appropriate recommendation be made to the relevant Cabinet Member.

- In relation to additional car parking pressures that may potentially be experienced following the opening of the Urgent Care Centre it was stated that consideration was being given to services based at Russells Hall Hospital being provided by the Guest and Corbett Hospitals to alleviate any problems.
- Feedback in relation to the need for an area to be allocated for dropping and picking up patients and provision for car parking spaces for the disabled to be situated near to the main entrance were being considered.
- In response to a suggestion to provide a “mini bus” bus service to transport staff from car parks to the hospital it was stated that various travel plans for staff such as car sharing were being considered.

Ms Coombes also stated that considerable work had been undertaken by Centro to ascertain travel movements of staff from home to work with a view to providing viable bus services for popular routes.

Resolved:

That the Cabinet be recommended to support proposals being developed by Dudley Group of Hospitals Trust to develop additional staff car parking facilities on land adjacent to Russell’s Hall Hospital to benefit all users of the hospital and the wider community.

A joint report of the Director of Corporate Resources and the Lead Officer was submitted on implications of the corporate restructuring on the Council’s future overview and scrutiny arrangements.

The Democratic Services Manager referred to the Kerslake review of Birmingham City Council and informed the Committee that one of the recommendations was to reduce the number of Scrutiny Committees to three with a strategic focus. He also stated that the Centre for Public Scrutiny would be producing a report early in the new year on recommendations to improving the scrutiny process.

Resolved:

- (1) That the proposal as set out in paragraph 9 of the report be approved in principle.
- (2) That a further detailed report be submitted to the next meeting of the Board with a view to recommendations being submitted to the Annual Meeting of the Council on 21<sup>st</sup> May, 2015.

The meeting ended at 7.30 p.m.

CHAIR



**Minutes of the Adult, Community and Housing Services Scrutiny  
Committee**

**Monday, 17th November, 2014 at 6.00 p.m.  
in Committee Room 2 at the Council House, Dudley**

**Present:**

Councillor M Hanif (Chair)  
Councillor R James (Vice Chair)  
Councillors R Body, I Cooper, A Goddard, Z Islam, J Martin, D Perks, K Turner,  
D Tyler and D Vickers.

**Officers:**

M Williams (Assistant Director, Customer Services), (Lead Officer to the Committee), A Pope-Smith (Director of Adult, Community and Housing Services), M Bowsher (Assistant Director Quality and Commissioning) and P Benge (Head of Finance and Accountancy for Adult Social Care) (All Directorate of Adult, Community and Housing Services), I Newman (Treasurer) and K Buckle (Democratic Services Officer) (Both Directorate of Corporate Resources).

**Also in Attendance:**

R Sims (Assistant Director of Housing Strategy & Private Sector) – (Directorate of Adult, Community and Housing Services).

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21. **Declarations of Interest**

In accordance with the Members' Code of Conduct, Councillor K Turner declared a non-pecuniary interest in Agenda Item No 7 – Financial Implications of the Care Act as Director and Chairman of Age Concern Stourbridge and Halesowen.

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22. **Minutes**

Resolved

That the minutes of the meeting held on 21<sup>st</sup> October, 2014, be approved as a correct record and signed.

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23. **Public Forum**

There were no issues raised under this agenda item heading.

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24. **Medium Term Financial Strategy**

A joint report of Officers was submitted on the Medium Term Financial Strategy to 2017/18, with emphasis on the proposals relating to the Committee's terms of reference.

The Director of Adult, Community and Housing Services referred to Appendix B of the report submitted outlining the proposed savings of the Directorate.

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

- In terms of reductions in management and staffing costs across adult social care, a whole range of management efficiency savings had been implemented with the reduction in Heads of Service, Team Managers and Assistant Team Managers posts.
- That the total saving in relation to management and staffing costs was £200,000.
- That during the preceding three years there had been a number of voluntary redundancies in the Directorate which included a proportion of management posts.
- Confirmation that the Council retained 49% of business rates;
- That there had been reduced numbers eligible for Council Tax reductions impacted positively on the Council Tax base;
- That there were no assumptions built into the Medium Term Financial Strategy for further savings in relation to looked after children, subject to review by the new Chief Officer for Children's Services and Strategic Director for People when appointed to the post.
- Council Tax could not be increased above 2% without the requirement for a referendum and although this would produce additional income, the ongoing Council Tax Freeze Grant was equivalent to a 1% increase;
- That the whole investment process was an important part of the prevention strategy as far as the continuing demand for adult social care was concerned and there were continuing requirements to investigate needs in order to address demands on the services and this would invariably result in delivering services in different ways in order to ensure that resources were targeted at the services required;
- The reliance on voluntary and informal care sectors in order to aid and assist service demands and pressures on resources;
- It was the intention to support new assessments and reviews of service level agreements and conducting further work with voluntary services and voluntary units in order to deliver the services required at the appropriate level;

- The cost of a referendum in relation to Council Tax would be dependent upon whether that was conducted within an election period;
- That there was a bumping process in relation to those posts that had become voluntary redundant however applicants have to demonstrate competencies and that they had reasonable skills for vacant posts;
- Decisions in relation to those applying for voluntary redundancy had been taken in the best interests of the service as there were issues surrounding retaining skills and competence;
- An update was provided in relation to the Better Care Fund and the suggestion of NHS England that the Council should reduce their targets and in view of the ongoing assurance process the amount of funding that would be received had not been determined at the present time;
- That aids and adaptations would be considered once a patient was admitted to hospital with the patient's tenure being considered together with the exploration of a faster route in order to address those aids and adaptations required. It was stated that a review was being conducted on the management of hospital discharge;
- Assertive reviews were contractual reviews which included contract costs for those with complex and greater needs;
- In relation to the infrastructure that was in place to manage the Better Care Fund it was believed that this was robust and involved all key stakeholders;
- There was a framework in place for the delivery of efficiency savings which included an Efficiency Delivery Board which was chaired by the Cabinet Member for Adult and Community Services and the Cabinet Advisory Team for Adult Social Care.
- Assurances were provided that the delivery of efficiency savings were on target and delivery of those savings would produce a balanced outcome by the end of the year;

The Assistant Director for Quality and Commissioning outlined the range of services offered by the Directorate in order to prevent unplanned admissions to hospital, including the Reablement Service, The Falls Prevention Service, the Living Well, Feeling Safe Service and the Dementia Gateways and undertook to circulate full details of services to Members.

Members were requested to forward any further questions and/or observations in relation to the services offered by the Directorate to the Assistant Director for Quality and Commissioning who confirmed that a report would be submitted to a future meeting of the Committee in relation to any questions and/or observations received.

Following a request of a Member the Assistant Director for Quality and Commissioning confirmed that he would circulate to all Members of the Council the report on the Better Care Fund and the supporting presentation slides that was previously submitted to the Overview and Scrutiny Management Board.

Resolved

That the Cabinet's proposals for the Medium Term Financial Strategy to 2017/18, as set out in the report, and Appendices to the report, submitted be noted.

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25. **Financial Implications of the Care Act.**

The Assistant Director for Quality and Commissioning referred to the powerpoint presentation slides in relation to the financial implications of the Care Act that had been circulated to Members, advising of the modelling work that had been conducted in order to demonstrate the financial implications.

There followed a powerpoint presentation by the Head of Finance and Accountancy for Adult Social Care.

Details of the efficiency and other savings delivered by Adult and Social Care were outlined together with details of further savings required.

The increased demand that would result from the implementation of the Care Act including the impact on the number of assessments that would be required and the number of financial assessments was referred to.

It was noted that national tools had been produced to support consistent reporting of activity and costs and in order to assess the costs of the Care Act the Surrey and Lincolnshire Models had been used by the Council, however nationally priority was being given to further develop the Surrey model across the country.

The number of carers in the Borough and the number of those currently supported by Adult Social Care were provided. Due to the increased number of carers who may require support following the implementation of the Care Act this could significantly impact significantly on the Council's resources.

In relation to changes to funding caps and capped lifetime care costs, it was stated that those with on-going care needs from childhood would not be liable to contribute towards their care costs and there would be a lower cap for those with care needs who were of working age, however funding caps and capped lifetime care costs for those over 65 would be £72,000.

It was stated that currently those with capital assets of over £23,000 were expected to pay the full amount of their care costs for care homes, however that figure was to increase to £118,000. That capital limit had increased from £23,250 to £27,000 for non residential care and although assets below £14,250 were not included that figure would rise to £17,000.

As a result of deferred payments being introduced from 2015, it was stated that no-one would have to sell their home in their lifetime, however the Council could charge interest during the period of the whole agreement. That from 2016 those in care homes would have to contribute to daily living costs which were prescribed at £230 per week. It was noted that daily living costs were not subject to the care cap.

The Head of Finance and Accountancy for Adult Social Care referred to two case studies in order to demonstrate to Members the cost implications of the Care Act.

It was stated that once the care cap had been reached the state would be responsible for reasonable care costs together with financial help for people with both their care and or general living costs should they have less than £17,000 in assets.

In concluding the presentation, the specific pressures upon the Council following the implementation of the Care Act were outlined and It was noted that the Council would be expected to ensure that there were a range of care providers.

Arising from the presentation Members asked questions and made comments and the Assistant Director for Quality and Commissioning and the Head of Finance and Accountancy for Adult Social Care responded as follows:-

- Should a spouse continue to reside in a property that property would not be taken into account as far as assets of the person requiring residential care were concerned;
- Should an asset be deliberately disposed of when a care package was in force or future care needs had been recognised in order to avoid care costs that asset could be brought back into the financial assets;
- The three models referred to provided basic calculations however it was anticipated that there would be a national model and framework in the future in order to calculate the cost of the Care Act;
- The Head of Finance and Accountancy for Adult Social Care participated in a Regional Framework Officers meeting on planning implementation of the Care Act and that work would continue as far as the costs of the Care Act were concerned;
- There would be grant funding available to the Council, however the amount was unknown at the present time and it was anticipated that next year there would be additional cost thresholds and care costs and it was accepted that there were risks to the Council as far as costs were concerned;
- The anticipated rate of interest on deferred payments was 3%.
- Deferred payments would be introduced in 2016;
- In relation to demands upon the Adult Social Care Service those would continue to be assessed based on some local intelligence and working with carers groups;

- Work was continuing with the Council's Welfare Benefits teams in order to assist people who could make claims for benefits;
- There was a rolling programme of Care Act workshops across the Borough in order to raise awareness and the profile of the Care Act and details of those would be circulated to Members following the meeting;
- Information and advice was available in relation to the Council's statutory responsibilities to provide support and the entitlement to Adult, Social Care Services.

Members thanked Officers for the presentation commenting that a complicated subject area had been conveyed in a coherent manner.

Resolved

That the information contained in the presentation, and as reported on at the meeting, the Financial Implications of the Care Act, be noted.

The meeting ended at 7.35 p.m.

CHAIR

**Minutes of the Adult, Community and Housing Services Scrutiny  
Committee**

**Monday, 19th January, 2015 at 6.00 p.m.  
in Committee Room 2 at the Council House, Dudley**

**Present:**

Councillor M Hanif (Chair)  
Councillor R James (Vice Chair)  
Councillors R Body, I Cooper, A Goddard, Z Islam, J Martin, D Perks, D Tyler  
and D Vickers.

**Officers:**

M Williams Chief Officer (Corporate and Customer Services), (Lead Officer to the Committee), M Bowsher Chief Officer (Adult Social Care), S Asar Paul (Head of Policy and Performance) – (Both Directorate of People Services) and K Buckle (Democratic Services Officer) – (Directorate of Resources and Transformation).

**Also in Attendance:**

Paul Acutt – Carer – For Agenda Item No. 6 – Carers and the Care Act, only.

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26. **Apology for Absence**

An Apology for absence from the meeting was submitted on behalf of Councillor K Turner.

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27. **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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28. **Minutes**

Resolved

That the minutes of the meeting held on 17<sup>th</sup> November, 2014, be approved as a correct record and signed.

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29. **Public Forum**

There were no issues raised under this agenda item heading.

ACHS/27

30. **Carers and the Care Act**

The Chair introduced both Paul Acutt who was a carer for his wife and Shobha Asar-Paul, Head of Policy and Performance.

Mr Acutt advised that he had been a paid carer for his wife for a period of four years. Mr Acutt outlined his wife's condition together with the impact upon himself, advising that constant supervision was required to prevent harm and ensure medication was administered.

Mr Acutt described his transition from full time employment to full time carer as difficult and frustrating.

It was noted that Mr Acutt's property had been adapted to meet the needs of his wife, however he referred to the difficulties encountered in relation to accessing services and knowing the entitlement of carers to both services and benefits including assistance with mortgage repayments and the provision of transport especially given that Mr Acutt's wife was a wheelchair user.

In relation to the provisions of the Care Act 2014, Mr Acutt advised that he was aware that the provisions would relate to himself as a carer and was also aware of the limited budget attached to the Act which would result in the need for further interaction between service providers in order to provide value for money. It was thought that within the first month of implementation many carers would be requesting assessments from the Council.

In responding to a question from a Member, Mr Acutt advised that he was entitled to a lump sum payment of £300 per annum towards the cost of a holiday, however this was not treated as part of respite for himself as he would always holiday with his wife.

In relation to the provision of respite for carers, Members suggested that:-

- Carers should be entitled to benefits under the Options Plus Leisure Scheme for both themselves and those they were caring for;
- That a representative from the Council should be available to provide advice to carers in relation to benefits and adaptations and attend the Carers Network Team meetings in order to provide such advice;

In responding to a question from a Member Mr Acutt referred to the twelve month period following him becoming a full time carer advising of the difficulties he encountered in relation to the provision of services and benefits and advised that advice as to service entitlement in the main came from the Citizens Advice



Bureau as at that stage he was unaware of the Council's website and was unable to access websites but had since become aware of the free provision to access the internet at local libraries with libraries also providing details on access to information.

Mr Acutt advised that becoming a full time carer had affected his mental and physical wellbeing as he had become very frustrated especially when his wife had encountered stages of depression.

In responding to a question from a Member in relation to whether the work and role of Mr Acutt was valued and whether there were any difficulties encountered when applying for benefits, Mr Acutt advised that obviously his wife valued his work and role, however there was a general perception whilst out in public that he should be at work and not out with his wife during the daytime. However, it was imperative that they go out of the house on a regular basis and in view of the check on medical records there were no problems in obtaining the benefits that Mr Acutt and his wife were entitled to.

In relation to action that the Council could take in order to improve services to carers, Mr Acutt suggested that the Council should promote their website in order to make this more easily accessible to carers and also raise awareness in relation to facilities available at local libraries for those who cannot access the internet at home.

Regarding a suggestion that a single point of contact was required, Mr Acutt advised that a deputy would also be required should that single point become unavailable and there was a need for interdepartmental work in order to implement the new Care Act which would hopefully result in services for carers becoming more transparent and easily accessible.

Members thanked Mr Acutt for attending the meeting.

The Head of Policy and Performance thanked Mr Acutt for his contribution towards the Adult, Social Care services through his membership of the Carers Network Team.

The Committee considered a presentation of the Head of Policy and Performance on Carers and the Care Act. The presentation had been circulated to Members and was available on the Council's Committee Management Information System (CMIS).

The Head of Policy and Performance advised that Local Authorities across the Country were attempting to shape their response to the Care Act 2014 which imposed an obligation on Local Authorities to promote the wellbeing of all people receiving services in relation to Adult Social Care with the Care Act simplifying and bringing together and improving existing legislation.

It was noted that the Care Act focused on support with an emphasis on prevention in order to reduce formal care support.

In responding to a question from the Chair, the Head of Policy and Performance advised that certain elements of the Care Act were specific to financial reforms however those would not come into effect until April, 2016 and responses to the financial reforms would be developed at a later date.

It was noted that the Care Act defined a carer as an adult who provides or intends to provide care for another adult. Under the Act Local Authorities would be obliged to offer every carer an assessment in order to provide direct support for carers and the aim of assessments were to prevent complex support where necessary in order to promote independence with universal support being offered with a view to providing additional support through those services.

It was reported that assessments would concentrate on investigating the ability of the carer to provide the care and whether they would be able to carry on being a carer for the person they care for and their desire to continue doing so in the future. In addition to that the assessment should cover ranges of quality of life and wellbeing in relation to the carer for example in relation to a younger carer the impact upon their education, training and leisure time.

The Head of Policy and Performance indicated that the support would be dependent upon assessments with support being much less localised and would be standardised throughout the country which would prevent a past criticism that level of support had previously been a post code lottery.

It was noted that the implications of the Care Act would be the ability to understand at an earlier stage the needs required and provide personalised support and care where needed and it would also enable those with caring responsibilities to fulfil their educational and employment potential and enable the carer and those being cared for to continue to participate in family and community life together with ensuring that young carers would not carry out inappropriate levels of care and could continue to achieve in education and employment.

In responding to a question from a Member in relation to those carers who wished to remain in employment the Head of Policy and Performance stated that should that be the case a whole range of possibilities could be investigated including the provision of care from the voluntary sector.

In responding to a question from a Member in relation to the right to challenge assessments the Chief Officer (Adult Social Care) responded stating that should it be the case that it was alleged that the assessment had been carried out incorrectly there would be an internal right of appeal and should a care plan not be operating effectively there would be an internal review in order to encourage re-negotiation. In addition to this there would be the right to challenge in law.

The Chief Officer (Adult Social Care) advised that there was a set statutory framework to ensure that assessments followed a more simplified process during the first month and this would also include a clear marketing campaign

setting out what was available and raising public awareness, it was stated that there would also be the requirement for Welfare Benefit advisors in order to assist people in their own homes including focusing on referrals, those people who were already in the Adult, Social Care system and a focus on transport issues.

In response to a Member's question and suggestion in relation to helping those carers who wished to return to work and encouraging employers to offer interviews to carers, the Chief Officer (Adult Social Care) referred to the various partners that the Council currently worked with and agreed that a focus was required on those who specifically wished to return to work following being full time carers, advising that investigations in relation to such provision could be undertaken with Dudley Council for Voluntary Services and Jobcentre Plus in relation to signposting people to those services.

The Head of Policy and Performance referred to young people who were caring for their parents and advised of the work that would be required with service providers in order that they could access skills and qualifications in order to gain full time employment.

The Chief Officer (Adult Social Care) suggested the possibility of new carers receiving advice, assistance and signposting to services by those who were already full time carers with a view to providing remuneration to those involved as an incentive to provide this service.

The Head of Policy and Performance summarised some of the key areas of work undertaken in readiness for the implementation of the Care Act including the formation of a Carers Network Team in Adult Social Care and an appointed Carers co-ordinator advising that 37,974 people had identified themselves as carers. It was noted that following further re-modelling work it was anticipated that the cost of carers assessments had increased to a likely cost of £1.4 million and it was now envisaged that around 2,000 requests for carers assessments would be received in 2015/16.

In responding to Members concerns that estimates were conservative given that approximately 37,000 people had been identified as carers, the Head of Policy and Performance responded stating that the uptake responses in relation to some services such as respite care and direct payments had been low and estimates had also been based on that fact, however should the numbers predicted increase investigations in relation to providing further support would be undertaken with work continuing with other providers such as We Love Carers and Age UK in order to conduct mapping work with the situation continuing to be monitored following the implementation of the Care Act.

In responding to a Member's query in relation to contingencies should the predicted increase in costs exceed £1.4m, the Chief Officer (Adult Social Care) advised that there was very little funding available from Central Government in order to support the responsibilities arising from the legislation. He also stated that informal carers were the most valuable commodity as there were

insufficient resources available to deliver a social care package to for instance an additional 15,000 carers.

It was noted that of the 37,974 people identified as carers upon the census data, there were a proportion who provided care for over 50 hours each week and it should not be assumed that those identified provided 50 hours of care each week.

The Head of Policy and Performance provided a summary of the approach to the Care Act in the Dudley Borough referring to the information and advice that would be provided to carers at an early stage, the Care Aware online training for stakeholders, carers champions and the specific remit of Health Watch which was to assist people with the provision of information on services available to them.

The Head of Policy and Performance reported on the work to develop assessment forms in order that Assessments were conducted in line with the duty of well-being and that capacity and resources required consistency and as remodelling tools materialise there may need to be a re-design in relation to the assessment of the number of carers and cost implications.

It was noted that the Care Act and Children and Families Act overlapped and work with Children's Services was required in order for transitional planning for child carers who were shortly to attain the age 18 years to be undertaken and consideration given to the provision of services to those in that category.

In responding to a Member's concerns, the Chief Officer (Adult Social Care) advised that further reports would be submitted to the Committee in relation to the Care Act in order that resources and cost pressures upon the system could be scrutinised.

In responding to a Member's suggestion that the situation in relation to carers should be monitored given the increase in birth rates and the likelihood of this impacting upon the number of young women being in a position to care for their parents the Head of Policy and Performance reported that the Care Act was to be implemented as the response to an increasing aging population with resources being targeted at prevention by providing early support which should reduce the need for public resources.

It was noted that the Council continued to work with the voluntary sector in relation to the provision of services to carers including Dudley Council for Voluntary Services and Health Watch.

The Head of Policy and Performance reported that the promotion of the Care Act would commence in February by the Department of Health and that work was being undertaken with Dudley Council Plus in relation to access points for services.

The Chief Officer (Adult Social Care) advised that details of access to Adult Social Care Services were available at the Citizens Advice Bureau and libraries throughout the Borough with one consistent message in relation to referrals.

The Chief Officer (Adult Social Care) agreed to forward the link to the Care Aware Training to all Members of the Council.

Following the conclusion of the presentation on Carers and the Care Act the Chair thanked the Officers in the Directorate of People Services for their continued work in relation to preparation for the implementation of the Care Act.

Resolved

- (1) That the information contained in the presentation on Carers and the Care Act, and as reported on at the meeting, be noted.
- (2) That the Chief Officer (Adult Social Care) be requested to email to all Members of the Council the link to the Care Aware Training.

The meeting ended at 7.25 p.m.

CHAIR

**Minutes of the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee**

**Tuesday, 18<sup>th</sup> November, 2014 at 5 p.m.**  
**In Committee Room 2, The Council House, Dudley**

**Present:**

Councillor D Blood (Chair)  
Councillor B Cotterill (Vice-Chair)  
Councillors C Baugh, D Caunt, A Finch, P Harley, S Henley, L Jones, I Marrey, M Mottram and D Russell.

**Officers:**

G Thomas (Assistant Director – Policy and Improvement) – Lead Officer to the Committee, M Wooldridge (Principal Policy and Performance Management Officer), P Tart (Director), J Szczechowski (Head of Accountancy) and A Tromans (Information Systems Section Manager) – all Directorate of Corporate Resources, C Ballinger (Divisional Lead – Social Work) and J Prashar (Divisional Lead – Looked After Children) – both Directorate of Children's Services, J Jennings (Head of Communications and Public Affairs) – Chief Executive's Directorate and R Sanders (Assistant Principal Officer, Democratic Services)

16      **Apology for Absence**

An apology for absence from the meeting was received on behalf of Councillor Wood.

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17      **Declaration of Interest**

A declaration of non- pecuniary interest, in accordance with the Members' Code of Conduct, was declared by Councillor A Finch in agenda item no 5 (Medium Term Financial Strategy) in view of his son's employment with the Council in the Directorate of Adult, Community and Housing Services. Councillor Finch indicated that he would declare a pecuniary interest and leave the meeting room should any matter directly relating to his son's employment arise.

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18      **Appointment of substitute Member**

It was reported that Councillor Jones was serving in place of Councillor Wood for this meeting of the Committee only.

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**Minutes**

Resolved

That the minutes of the meeting held on 4<sup>th</sup> September, 2014, be approved as a correct record and signed.

**Medium Term Financial Strategy**

The Committee considered a joint report of the Chief Executive, Treasurer and Director of Corporate Resources consulting the Committee on the Medium Term Financial Strategy for the period to 2017/18, with emphasis on the proposals relating to this Committee's terms of reference, as set out in paragraph 24 of the report and relating to the Corporate Resources and Chief Executive's directorates.

In response to a question regarding the proposed savings from the budget of the Directorate of Corporate Resources on Information, Communication and Technology, the Director of Corporate Resources indicated that the majority of the sum would be met from the reduction of 16 full time equivalent posts, some of which were vacancies, and from improved procurement activity. Whilst the Director emphasised that savings in the sum proposed would not be easy, the Information Systems Section Manager indicated the leaner management structure arising from restructuring proposals currently being implemented would assist.

In response to a question regarding the proposed saving of £100,000 in 2017/18 from the grant allocated to the Dudley and West Midlands Zoological Society, the Director of Corporate Resources indicated that the proposal was linked to the ability of the Society to obtain alternative funding for its improvement works, e.g., Heritage Lottery Funds. It was questioned further whether it might be preferable to make the reduction over three years. The Director confirmed that further to discussions held with the Society, the reduction in one lump sum had been considered the most appropriate expedient and had been agreed through the Cabinet process.

In relation to the savings of £500,000 proposed from consolidated property function, the Director of Corporate Resources confirmed that this was in addition to the original £423,000 savings already proposed for Office Accommodation savings (of which £223,000 had been brought forward to 2014/15).

In relation to the Office Accommodation savings and the disposal of twelve sites, the Director of Corporate Resources confirmed that the Council had received market value for each sale and that receipts had been allocated to the refurbishment of the remaining key office sites on the central campus. Where there was a profit, these would be divided equally between the Council and the Limited Liability Partnership.

Clarification regarding the funding implications of the Single Tier Pension Scheme, as referred to in paragraphs 16 and 17 of the report, was requested. The Head of Accountancy confirmed that the estimated cost of changes in National insurance was £2m, and this pressure was from 2016/17. It was anticipated that clarification of funding would be provided in the Autumn statement which would allow forecasts to be updated for inclusion within the March budget report.

Resolved

That the Cabinet's proposals for the Medium Term Financial Strategy to 2017/18, as set out in the report submitted, be received.

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## 21 Review of Corporate services Utilisation

Further to a request made to the meeting of the Committee on 4<sup>th</sup> September, 2014, for an assessment to be made of whether all opportunities to centralise similar responsibilities for a number of functions across Directorates had been taken, or if there were services where distinct service issues warranted separate structures, an interim report on the matter by the Lead Officer was submitted.

The report outlined the current position in respect of centralised services in the areas of Communications, Graphics, Printing, Catering and ICT Services and had been drafted following discussion with service leads on current practice. It noted that drafting had been conducted as corporate restructuring had commenced and that restructuring provided further scope for centralisation of services and closer coordination across the Council.

The Lead Officer confirmed that Internal Audit was carrying out an assessment of which services which were using outside providers. The current position and issues that needed to be addressed as areas of improvement regarding the specific areas of communications, graphics and printing were referred to in paragraphs 32 to 35 of the report and it was indicated that a report on those matters would be submitted to the February meeting of the Committee.

In the discussion, the Lead officer confirmed that catering at the Crystal Leisure Centre was now being supplied by the Directorate of the Urban Environment.

Resolved

That the report be noted and acknowledged as part of a two-part review.

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22. Corporate Quarterly Performance Management Report

A report of the Chief Executive was submitted on the second Quarterly Corporate Performance Management Report for 2014/15 relating to performance for the period 2<sup>nd</sup> July to 30<sup>th</sup> September, 2014.

A report of the Chief Executive was submitted on the second Quarterly Corporate Performance Management Report for 2014/15 relating to performance for the period 2<sup>nd</sup> July to 30<sup>th</sup> September, 2014.

In discussing PIs 659 and 434, the latest available figures and the circumstances of the downward trends in each case were explained respectively by the Divisional Leads (Social Work) and (Looked After Children).

In relation to PI 659, referrals had continued to rise significantly, partly because of high profile safeguarding and child protection cases, and this mirrored national trends. The recent change replacing Initial Assessments with Single Assessments meant that the data was not directly comparable with last year. Whilst the number of assessments undertaken were still fewer than last year, it was reported that performance had increased once those completed towards the end of the reporting period had been inputted. The much greater rise in referrals not needing to progress to assessment by Children's Social Care had also contributed to a lower conversion rate. It was indicated that work was being undertaken to ensure effective services were provided in respect of the significant rises in contacts and referrals.

In relation to PI 434, the reasons for the length of time in securing adoptions were explained by the Divisional Lead (Looked After Children), these being the need to ensure as far as ever possible that a child was placed safely with the most suitable family. This needed to take into account that the adoptive parent would parent the child into the future. The Divisional Lead also indicated that, in certain cases, adoptions took longer to secure in view of the particular circumstances of the children, the numbers of siblings, and the aim to keep siblings together if possible. The Divisional Lead stated that Dudley was not alone in not meeting national targets. Differing views were expressed by Members, some considering that the time taken to resolve an adoption was too long and not in the interests of the child and others accepting that adoption was not a process that could be progressed quickly and that it was more important that the adoption was the most appropriate.

Concern was expressed regarding the data provided in the report in respect of PI 659 being severely out of date by the time it was submitted to the Committee, in response to which the data collection methodology was explained. The Assistant Director (Policy and Improvement) accepted that the data needed to be more current to be meaningful.

In relation to PIs 680 and 731, a Member asked which agency had benefitted financially, should there have been a difference between between the target and the performance. The Lead Officer stated that a written reply would be sent.

Resolved

- (1) That the information contained in the Quarterly Performance Management Report in respect of performance for the period from 2<sup>nd</sup> July to 30<sup>th</sup> September, 2014 be noted, together with the comments made at this meeting.
- (2) That a report be submitted to the next meeting indicating how it is proposed that more current data will be supplied and incorporated into performance documentation.

The meeting ended at 7.10 p.m.

CHAIR

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

**Wednesday, 19<sup>th</sup> November, 2014 at 6 p.m.**  
**In Committee Room 2, The Council House, Dudley**

### **Present:**

Councillor M Mottram (Chair)  
Councillor I Cooper (Vice-Chair)  
Councillors M Attwood, N Barlow, C Billingham, P Bradley, Z Islam, J Martin,  
C Perks and R Scott – Dow; Mr Qadus.

### **Invitees:**

J Sinden and Mrs Coulter.

### **Officers:**

D Channings (Assistant Director of Adult, Community and Housing Services – Lead Officer), P Sharratt (Interim Director of Children's Services), J Prashar (Divisional Lead - Looked After Children), K Cocker (Children's Services Finance Manager), C Gordon (Fostering Service Manager), H Maybee (Adoptions Service Manager) – all Directorate of Children's Services and I Newman (Treasurer) and K Buckle (Democratic Services Officer) both (Directorate of Corporate Resources).

### **Also in attendance**

Councillor C Crumpton – Cabinet Member for Children's Services and Lifelong Learning;  
Councillor S Turner – Cabinet Member for Finance;  
R Sims (Assistant Director Housing Strategy and Private Sector) (Directorate of Adult, Community and Housing Services).

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#### **16      Apologies for absence**

Apologies for absence from the meeting were received on behalf of Councillors L Jones and I Marrey. The following Invitees also apologised; Mr Lynch, Mr Nesbitt and Mr Ridney.

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#### **17      Substitution**

It was reported that Councillor J Martin was serving in place of Councillor I Marrey, for this meeting of the Committee only.

18      **Declarations of Interest**

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

Declarations of non-pecuniary interest in agenda item number 5 – Medium Term Financial Strategy were made by the following Members for the reasons indicated below:

Councillor Attwood – Member of the Management Committee for short stay schools within the Dudley Borough.

Mrs Coulter – The parent of a child who was in receipt of Direct Payments.

Councillor Mottram – Governor of Christchurch Primary School

Councillor C Perks – Governor of North Road Primary School.

Mr Qadus as a Governor of Wollescote Primary School, Chairman of Lye Community Centre, Member of the Patient Participation Group at Wychbury Medical Centre and Russells Hall Hospital and a full Member of the Conservative Group.

Mr Qadus declared a pecuniary interest in agenda item number 5 as his wife was employed by Wollescote Primary School.

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19      **Minutes**

Resolved

That subject to the deletion of the words “there was a conspiracy against them in so far as child sexual grooming was concerned” from minute number 15, paragraph 3, page CSSC/17 and the insertion of the words “authorities were allowing cases to stack up and that action should be taken when cases arose” therefore the minutes of the meeting held on 25<sup>th</sup> September, 2014 be approved as a correct record and signed.

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20      **Medium Term Financial Strategy**

A joint report of Officers was submitted on the Medium Term Financial Strategy to 2017/18.

In presenting the report submitted, the Treasurer referred to Appendix B of the report, outlining the proposed savings in line with the terms of reference of the Committee.

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

CSSC/20

In relation to the increase in savings year on year, these were necessary in order to provide the Directorate with more time to make the transformation in services, which would result in the efficiency savings required.

That in order for the Directorate to continue to provide services, work was continuing in relation to commissioning various services in order to embark on a restructure, that could deliver services in different ways including services to strengthen families.

In relation to home to school transport, that work was taking place in a number of areas in order to make children more independent at an earlier age and that included work on investigating different ways of providing transport to early years and specialist needs children, and that each individual case would be assessed separately.

That different arrangements could be investigated for those who were in possession of motorbility vehicles in conjunction with home to school transport.

The Cabinet Member for Children's Services and Lifelong Learning referred to the consultation that was taking place with all interested parties and advised of a travel training scheme which supports children to use public transport in order to encourage and promote independence.

In responding to a question in relation to pressures should the numbers of looked after children continue to increase, the Cabinet Member for Children's Services and Lifelong Learning referred to the increased number of contacts that had impacted upon referrals to children's social care. Meetings have taken place with health, police and other partners to accelerate an integrated model service of delivery to promote early support for children and families.

The Interim Director of Children's Services responded to a question in relation to the increase in looked after children, advising that following the original estimates there had been an increase during the preceding 12 months. The priority is to ensure that children are safeguarded but there are some opportunities to consider different ways of commissioning placements to meet children's needs and reduced costs.

Concerns were raised that those who could not access main stream education provision due to complex and special needs would be unable to access specialist provision without Local Authority transport.

The Cabinet Member for Children's Services and Lifelong Learning responded to those concerns and advised that there would be a consultation in relation to redesigning the service provision in order to deliver the efficiency savings.

The Interim Director of Children's Services added that children would not be denied access to services, however there should not be an automatic assumption that home to school and college transport would be available and it may be more cost effective to provide parents with their own sources of funding in order to procure their own transport provision. It may be that some parents would welcome the opportunity of travelling with their children to school. It was also necessary to examine areas of provision in order to reduce travelling distances throughout the Borough.

In responding to concerns relating to the restructure of youth service provision, the Interim Director of Children's Services advised that targeted youth services would be maintained in house but that the Directorate is currently exploring opportunities to commission universal provision from the voluntary/community sector.

The Interim Director of Children's Services reported that the Children's Centres restructure had been undertaken which had resulted in a revised model of delivery and no further cuts to the service were anticipated at the present time.

It was also noted that redesigning the early help and family support service would explore alternative methods of delivering the service.

The Interim Director of Children's Services advised that the Committee would be updated in relation to the new Children's Centres proposals and integrated Youth Services at the first two meetings in the new year.

The Cabinet Member for Children's Services and Lifelong Learning advised of the difficulties in relation to the Dudley Performing Arts Service in the context of traded services, and that discussions on how to continue to deliver the service through traded service income, grants, partner contributions and trust status would continue. It was noted that staffing costs had been particularly high in relation to the service as set against the budget.

Resolved

That the Cabinet's proposals for the Medium Term Financial Strategy to 2017/18, as set out in the report, and Appendices to the report, submitted be noted.

The Committee considered a report of the Interim Director of Children's Services on the Dudley Local Authority Adoption Service for 2013/14.

Following the introduction of the Heads of Service for the Fostering and Adoption Services, the Adoptions Service Manager presented the report submitted, referring to the 37 children placed for adoption prior to 1<sup>st</sup> April, advising of the six sibling pairs including sibling boys that had been successfully adopted.

It was reported that the Looked After Children Psychology Service was now in house and had proved to be a strength to the service with this providing specialist support to families, enabling young children to join their families on a timely basis and prior to them commencing their primary education.

The Adoptions Service Manager referred to the success of the historic work in continuing the search for places for children and that during the year additional capacity had been added to the Family Finding Team, including the appointment of a Family Finding Social Worker and the creation of one further new position in the Team.

The three successful Adoption Events in order to encourage recruitment of first time adopters and the more timely completion of the approved adoption process were referred to together with the new Black Country Media campaign.

It was reported that Adoption in the Black Country had been successful in order to create diversity, which had resulted in over representation of black ethnic parents.

The Adoptions Service Manager referred to the new initiative entitled “Never Forget Birth Parents”, the contact after adoption entitled “Letterbox” in order to help children understand their adoption and the work that was taking place in relation to Life Books.

Arising from the presentation of the report submitted Members asked questions and the Divisional Lead for Looked After Children and the Adoptions Service Manager responded as follows:-

- That adoption extinguished birth parents parental responsibility whereas Special Guardianship would result in a small proportion of parental responsibility remaining with the birth parent(s) and that Special Guardianship was a method of placing a child with another member of the family.

- That between 32 and 35 adoptions were anticipated during 2014/15.
- That adoption resource grants enabled the Directorate to recruit additional staff in order to meet the demand for children to be appropriately adopted.
- It was noted that work was conducted with neighbouring Authorities in order to maximise resources to place children for adoption.
- That there remained careful consideration of children's heritage when considering adoptive parents in order to ensure that they had the capability of meeting those needs.
- That once an Adoption Order was made the Council retained no powers to ensure a child's heritage and religious needs were being met.
- That there were detailed assessments and matching processes in place prior to Adoption Panels assessing whether prospective adoptive parents would fulfil those needs and how those needs would be met.

The Cabinet Member for Children's Services and Lifelong Learning thanked the Divisional Lead for Looked After Children and her team for the valuable work undertaken in relation to adoption services and in particular ensuring that children were placed safely and securely in order to provide for their long term future.

The Chair thanked the Interim Director of Children's Services and her team for their work in relation to the provision of the adoption service.

Resolved

That the information contained in the report, and Appendix to the report, submitted on the Dudley Local Authority Adoption Service for 2013/14, be noted.

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## 22 **Fostering Service Annual Report**

A report of the Interim Director of Children's Services was submitted on the Fostering Service in Dudley for 2013/14.

The Divisional Lead for Looked After Children introduced the report submitted, advising that there were 350 children placed in 348 Foster Care Homes, which highlighted the enormity of the service and the amount of children that the service was dealing with.

The Fostering Service Manager presented the report submitted, highlighting the current issues for the team advising that there were new time constraints on issuing Care Proceedings, which had impacted on the number of assessments that had been carried out.



The Fostering Service Manager advised that the team were actively promoting Child Arrangement and Special Guardianship Orders which would result in children being removed from the care system.

It was noted that there was a dedicated member of the team who dealt with assessments for Special Guardianship Orders in order to recruit additional carers.

It was reported that there was extensive collaborative working with neighbouring Black Country Authorities in order to provide accessible training courses to carers and that there had been good progress in Foster Carers final assessments being undertaken upon a timely basis.

The “Staying Put Arrangements” were outlined which assisted those who wished to remain with their current carers once they reached the age of 18.

It was noted that there had been extensive work undertaken in order to provide high rates of placement stability, with a high proportion of children remaining with their carers in excess of 12 months, which had impacted positively on their educational achievements.

The Fostering Service Manager reported on the out of hours service offered to foster carers, which provided a telephone contact advice service every day of the year upon a 24 hour basis.

It was noted that retention rates of Foster Carers in the Dudley Borough were high and the courses offered to family and friends who wished to become carers were outlined.

The Divisional Lead for Looked After Children advised of the initiative, that was to be publicised by the Council’s Communications Team in order to promote a campaign to encourage local people to become involved with providing services and care for the children of the Borough.

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

- That respite care for children with learning difficulties was a service that the Directorate provided;
- That children were placed with carers outside the Dudley Borough for varying reasons with one third of the Borough’s carers residing outside the Borough.
- Advertising would focus upon support to foster carers and fostering local children.

The Cabinet Member for Children’s Services and Lifelong Learning advised upon the reliance on outside agencies to provide instant places for children, who required urgent places of safety however, negotiations were continuing with outside agencies in order to provide more cost effective services.

In responding to a question from a Member, the Divisional Lead on Looked After Children advised that some of the Borough's foster carers resided within a 20 mile radius of the Borough.

In responding to concerns raised regarding supply and demand as far as foster carers were concerned, the Interim Director of Children's Services advised that this had resulted due to the sudden rise in looked after children, and this had impacted upon increasing costs due to reliance upon outside agencies to provide emergency care.

A Member suggested that recruitment exercises could take place at religious festivals, and the Divisional Lead for Looked After Children advised that the recruitment of versatile carers would form part of the Directorate's strategy and referred to a couple of mixed race who advertised recruitment on behalf of the Council on a local radio station.

Resolved

That the information contained in the report submitted on the Fostering Service in Dudley for 2013/14 and reported on at the meeting, be noted.

The meeting ended at 7.45 p.m.

CHAIR

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

**Thursday 20<sup>th</sup> November, 2014 at 6.00 p.m.**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:-**

Councillor C Hale (Chair)  
Councillor N Barlow (Vice-Chair)  
Councillors C Elcock, M Hanif, D Hemingsley, S Henley, K Jordan, M Roberts K Shakespeare, E Taylor and K Turner and J Emery

### **Officers**

S Griffiths (Democratic Services Manager (Acting Lead Officer to the Committee), B Clifford (Interim Assistant Director for Adult Social Care), K Jackson (Interim Director of Public Health, M Johal (Democratic Services Officer – Directorate of Corporate Resources, D Lowndes (Assistant Director Culture and Leisure), I Newman (Treasurer – Corporate Finance), A Sangian (Senior Policy Analyst), R Sims (Assistant Director of Housing, Strategy and Private Sector) and J Vaughan (Head of Service, Directorate of Adult, Community and Housing Services)

### **Also in Attendance**

Ms Liz Abbis – Dudley Group NHS Foundation Trust  
Dr David Hegarty – Dudley Clinical Commissioning Group  
Ms Laura Broster – Dudley Clinical Commissioning Group  
Mr Jason Evans – Dudley Clinical Commissioning Group  
Mr Neill Bucktin – Dudley Clinical Commissioning Group  
Ms Marsha Ingram – Dudley and Walsall Mental Health Trust  
Ms Rosie Musson – Dudley and Walsall Mental Health Trust  
Mr Paul Maubach – Dudley Clinical Commissioning Group

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#### 20 **Declarations of Interest**

In accordance with the Members' Code of Conduct, a non-pecuniary interest was declared by Councillor K Turner in respect of any reference made to older people in view of him being the Chair and Director for Age Concern.

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#### 21 **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of P Bradbury (Healthwatch).

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22      **Appointment of Substitute Member**

It was reported that J Emery had been appointed to serve in place of P Bradbury for the meeting of this Committee only.

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23      **Minutes**

**Resolved**

That the minutes of the meeting of the Health Scrutiny Committee held on 22<sup>nd</sup> September, 2014 be approved as a correct.

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24      **Public Forum**

No issues were raised under this agenda item.

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25      **Medium Term Financial Strategy**

A joint report of the Chief Executive, Treasurer and Interim Director of Public Health was submitted on the Medium Term Financial Strategy (MTFS) for 2017/18 with emphasis on proposals relating to the Committee's terms of reference. Items directly specific to this Committee were those relating to the proposed Public Health budget for 2015/16 as contained in paragraphs 25 to 27 of the report submitted.

Arising from the presentation of the report the following queries and comments were made by a Member:-

- That an increase in the Council Tax in the past would have generated additional income and the reason for the zero increase was questioned given the budgetary pressures.
- Reference was made to the savings to be made relating to health integration and the Mental Health Services and it was questioned whether the savings were realistic and achievable.
- Although it was acknowledged that savings were needed and were supported it was considered that it was important to continue and maintain Service Level Agreements for older people. There were progressively higher numbers of aging people, particularly those with dementia, and it was considered that resources should be targeted to detecting dementia as early prevention was a potential saving to the Local Authority.

In responding to the above the Treasurer stated that a freeze was a forecasting assumption rather than a recommended course of action. With regard to an increase in the Council Tax the Treasurer confirmed that the Local Authority had three options, namely: receiving the Council Tax Freeze Grant which was equivalent to a 1% increase, to increase Council Tax by up to 2% without the need to hold a referendum or to increase it above 2% by holding a referendum. It was pointed out that owing to the oddities in calculations relating to the Freeze Grant, the difference between a 1% grant and a 2% Council Tax increase was only around £0.75m though this would be ongoing in the base budget.

The Interim Assistant Director for Adult Social Care referred to older people and commented that there were a range of grants available and discussions were taking place with the Clinical Commissioning Group to improve the process given the increasing numbers of people with dementia.

### **Resolved**

That the Cabinet's proposals for the Medium Term Financial Strategy to 2017/18, as set out in the report, and Appendices to the report, submitted be noted.

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26

### **Quality Transfers of Care Between Hospital and Community Settings**

A joint report of the Director of Adult, Community and Housing Services and the Chief Accountable Officer was submitted on specific issues relating to delayed transfers of care, quality transfers of care between hospital and other settings, work being done in the health and social care economy to continually improve services and people's experience of transfer of care between hospital and other settings.

The Interim Assistant Director for Adult Social Care and the Chief Accountable Officer (Clinical Commissioning Group (CCG)) presented the report, and in doing so, made the following points:-

- Partnership was key between all agencies in ensuring that hospital discharge was a good experience and that the actions or inactions of one agency can affect the work of another
- That a number of initiatives were underway to address long-term and short-term issues, such as the development of a "discharge to assess" model and the need for more reliable, agreed information.
- That most discharges from hospital were done without the involvement of adult social care through the support of family or friends. The challenges referred to in the report were specifically about discharges where support from the Council and/or the CCG was required.
- The role of the CCG was to commission health care with a view to the Dudley Group Hospital Foundation Trust (DGHFT) providing the care.

- A review on quality transfers of care had been undertaken in conjunction with the Council, CCG and DGFT and following discussions an Action Plan had been produced. Work was currently being undertaken with a view to implementing the plans with the intent to improving the services which were being provided to the public. A copy of the Action Plan could be made available to Members, if required.
- Reference was made to the pie chart illustrating the degree of delays and it was commented that it was intended to gradually reduce these delays to zero. The issue was of multi-agency concern and efforts would be made jointly with a view to improving the quality of transfers.
- Arising from recent research it had demonstrated that 90% of people had benefited from a good experience and the remaining 10% had suffered varying levels of bad experiences.

Arising from the presentation of the report and in responding to Members' queries and comments, the Interim Assistant Director for Adult Social Care and the Chief Accountable Officer made the following points:-

- It was acknowledged that there had been some delays in discharging patients due to reasons such as the length of time taken by the pharmacy to dispense medication. Some of the delays had been associated with the technology used by the pharmacy, however, the computer systems had now been updated. The CCG were aware of other problems, such as the delays in "signing off" prescriptions by hospital doctors and had raised the matter with the Trust with a view to addressing the issue. However, it was pointed out that there was a rigorous process in place to ensure that correct medication was being dispensed and some delays were inevitable.

It was stated that the number of staff employed and available at the pharmacy on a typical day was not known, however, Ms Abbis undertook to provide this information to Members. Insofar as whether there would be any reduction in staff given the budgetary constraints it was commented that any job losses would be achieved by natural wastage.

- In response to a query about the delays in Ambuline collecting patients from hospitals which subsequently resulted in delays to beds being released for other patients, it was acknowledged that there was a need for all organisations to communicate effectively and that improvements needed to be made. In relation to the arrangements that were in place to collect patients it was stated that Ambuline attempted to collect patients in geographic clusters, where this was not possible, individual patients would be collected.
- Comments about the excellent service offered at Tiled House for the elderly and that the service should be expanded were welcomed.

- The Chief Accountable Officer undertook to investigate the incidents as described by a Member in relation to the bad experiences of two patients. It was also suggested that any concerns should be raised with the hospital directly or the CCG for further investigations.

The Chair requested that information collated from the survey conducted by Healthwatch in gauging patient experiences upon being discharged be circulated to all Members of the Committee.

### **Resolved**

That the information contained in the report submitted on quality transfers of care between hospital and community settings, be noted and that a further report be submitted to a future meeting of the Committee.

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27

### **The Better Care Fund**

A report of the Chief Accountable Officer was submitted on the current position in relation to the Better Care Fund (BCF). The Better Care Fund Planning Template – Part 1 – Final Submission had also been circulated to Members of the Committee.

In presenting the report the Chief Accountable Officer explained that the BCF plan had been approved by the Health and Well Being Board. The integration model for Dudley involved various agencies comprising of a General Practitioner (GP), community nurse, mental health link worker, practice based pharmacist and a social care link worker with a view to combining and offering shared services. All agencies were working together with a view to improvements being made and the programme had now been extended to twelve practices with a view to rolling out to the rest of the Borough in due course.

Arising from the presentation of the report, and in responding to a query from a Member, it was stated that various events were being held with a view to addressing and engaging people, particularly young people, as Dudley had a high obesity rate.

The view of the adult social care service was sought and the Assistant Director for Adult Social Care stated that the service supported the direction described in the report, noting that further work was being done in relation to financial and technical issues.

### **Resolved**

That the information contained in the report submitted on the position in relation to the Better Care Fund, be noted and that a further update report be submitted to the next meeting of the Committee.

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**Dudley Group National Health Service Care Quality Commission Outcomes**

Ms Abbis, Dudley Group NHS Foundation Trust informed the Committee that there had been a delay and that the report was not as yet available.

A Member commented that she had been informed that Russells Hall Hospital had been placed on alert because of failings relating to their budget and delays in the Accident and Emergency Department and if issues were not addressed the Chief Executive could lose her position. In responding the Chief Accountable Officer referred to a historical matter about failings at the hospital and reported that discussions had, in the past, been held between the Trust and Monitor (the regulator) but that work had taken place to address the issues that had been highlighted. The Chief Accountable Officer stated that he was not aware of any other problems but he referred to the recent announcement of the resignation of the Chief Executive of Kettering over problems with emergency department performance which may have led to staff at some hospitals being concerned and fearful.

**Resolved**

That the report on the Dudley Group National Health Service Care Quality Commission Outcomes be submitted to a future meeting of the Committee.

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**Mental Health Services Care Quality Commission Inspection**

Ms Ingram and Ms Musson, Dudley and Walsall Mental Heath Trust presented information on progress made on the Care Quality Commission inspection. A copy of the slides had previously been circulated to Members of the Committee.

Arising from the presentation, and in responding to Members' queries and comments, the following points were made:-

- The information relating to the query about the number of lay managers and associated gender mix was not known and would be circulated to Members of the Committee in due course.
- There was a limited service specifically for dealing with people suffering from eating disorders. There were two full time equivalent posts in place, however, specialist services could be accessed and referrals made, if required. It was further stated that it was unusual for a patient to visit their GP solely with an eating disorder and diagnosis was usually via generic assessment.

Ms Ingram and Ms Musson undertook to circulate to Members of the Committee a response to the query on how long patients had to wait to be seen by a specialist when referred by the GP for an eating disorder and also subsequent waiting times before treatment commenced.



- A monthly matrix was published on the NHS Choices website detailing information on the working patterns. A regular monthly report on the workforce was also submitted to the Board with a view to comparing staffing levels on a national basis.
- A significant amount of work was being undertaken to improve staff morale. The Trust conducted regular “Friends and Family Test” which was an important tool to give staff the opportunity to provide feedback on their experience. A typical question asked of staff was whether they would recommend the Trust to their family and friends. It was commented that the survey was anonymous and that approximately 35% of staff had completed a form during the first quarter.

### **Resolved**

That the information contained in the presentation on progress made on the Care Quality Commission inspection, be noted.

30

### **Clinical Commissioning Group: Birmingham, Black Country and Solihull Stroke Review – Programme Development**

Mr Maubach, Chief Accountable Officer (Clinical Commissioning Group) gave an oral update on the BBC and Solihull Stroke Review Programme Development.

The Chief Accountable Officer explained that a joint stroke review was being undertaken by all Clinical Commissioning Groups in the Black Country area and that there were currently six hospital trusts in the conurbation delivering hyper acute stroke services. Discussions had not concluded and further information could not be provided at this time for confidentiality reasons.

### **Resolved**

That the information contained in the verbal update on the Birmingham and Black Country and Solihull Stroke Review Programme Development be noted and a report be submitted to a future meeting of the Committee.

31

### **Dudley Group NHS Foundation Trust: Patient Experience**

A report of the Dudley Group NHS Foundation Trust was submitted updating the Committee on the Trusts Patient Experience Strategy 2014-2017. The Strategy was attached as an Appendix to the report submitted.

Arising from the presentation of the report and in responding to a query, Ms Abiss reported that volunteers and nurses were available to assist vulnerable patients if they had difficulties in consuming their food. It was suggested that if people experienced any issues they should initially approach a member of staff, and if a satisfactory response was not forthcoming, then the matter should be referred to the Patient Advice and Liaison Service (PALS).

## **Resolved**

That the information contained in the report and Appendix to the report submitted on the Dudley Group NHS Foundation Trust : Patient Experience, be noted.

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### **32      Update on Urgent Care Development**

A verbal report of the Chief Accountable Officer was submitted on progress made towards the opening of the new Urgent Care Centre (UCC) in Dudley.

In presenting the oral report the Chief Accountable Officer stated that discussions to consider challenges and best solutions were still taking place, there were delays to the building but that the service would still be operational from 1<sup>st</sup> April, 2015. It was reported that “Malling Health” had been the successful tender and that all parties had been impressed by their culture and attitude and were of the opinion that they would work particularly and effectively well with GP’s and patients.

Arising from the oral presentation, and in responding to Members’ queries and comments, the following points were made:-

- The service would be in place and running from 1<sup>st</sup> April, 2015. However, there were delays to the building due to changes to the design and the requirement to submit a planning application.
- It was expected that the design of the service would free up capacity and therefore help to improve the quality of service to people and also help to reduce delays in ambulance turnaround.
- Discussions had been held around car parking and consideration was being given to expand the parking at the hospital and also the availability of buses to and from the hospital was being explored. It was pointed out that there were only eight car parking spaces at the current walk in centre.
- With regard to consultation rooms the Committee were informed that if the designated rooms to be located near the Accident and Emergency Department were not ready and available by 1<sup>st</sup> April, 2015, other rooms situated elsewhere in the hospital could be used.
- In relation to drawings or a model of the plans for the UCC the Chief Accountable Officer stated that it was intended to produce plans and that clear information would be publicised as it was imperative that members of the public were made aware of expectations.

Ms Emery (Healthwatch) reported that once the UCC was operational they would undertake a survey with a view to collating information to gauge people’s experiences.

The Chief Accountable Officer undertook to submit a report to the Chair to provide an update on discussions held with “Malling Health”. It was also requested that an update report be submitted to the meeting to be held in July, 2015 detailing information on performance, any associated problems particularly in relation to timescales and car parking together with information to be collated from the survey to be undertaken by Healthwatch.

### **Resolved**

- (1) That the information contained in the verbal report on progress made towards the opening of the new Urgent Care Centre (UCC) in Dudley, be noted;
- (2) That a further update report to include information on performance, problems encountered, particularly in relation to timescales and car parking, together with information collated from the survey by Healthwatch be submitted to the meeting of the Committee to be held in July, 2015.

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The meeting ended at 8.30 p.m.

CHAIR

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

**Monday 24<sup>th</sup> November, 2014 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:**

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

### **Officers:**

R Sims (Assistant Director, Adult, Community and Housing Services - Housing Strategy and Private Sector), (Lead Officer to the Committee), J Millar (Director of the Urban Environment), J Gray (Policy Manager – Executive Support), N Ford (Manager of Executive Support) (Directorate of the Urban Environment); J Szczechowski (Head of Accountancy), James Croft (Group Accountant) and H Shepherd (Democratic Services Officer) (Directorate of Corporate Resources).

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

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

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#### 11      **Appointment of Substitute Member**

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

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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 1<sup>st</sup> October, 2014, be approved as a correct record and signed.

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14      **Public Forum**

No issues were raised under this agenda item.

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15      **Medium Term Financial Strategy**

A joint report of the Chief Executive, Treasurer and the Director of the Urban Environment was submitted to consult the Committee on the Medium Term Financial Strategy (MTFS) to 2017/18 with emphasis on proposals relating to the Committees terms of reference. Items directly specific to this Committee were those in relation to the Directorate of the Urban Environment as set out in paragraph 24 of the report and appendix B of the report submitted.

Following an overview of the report, Members raised issues and comments on the budget proposals as follows:-

- Concerns were raised in relation to the continued overspend relating to Children Services and Looked after Children. It was considered that action needed to be taken by the Cabinet to ascertain a solution or alternative ways of working to ensure that this was not a continual drain on resources.
- Reduction in road reconstruction and resurfacing programme and whether this would be a false economy if it resulted in the Council spending more on potholes, especially if a bad winter was experienced.
- Grounds maintenance and the importance of ensuring well used parks were maintained with appropriate facilities in working order.
- Following the corporate restructure, Housing would be incorporated into the Environment, Economy and Housing Directorate and therefore would further efficiency savings be made from utilising the additional vehicles?
- The reduction of signs and bollard maintenance.
- Concerns of flooding in areas where there was a reduction in gully drainage emptying.
- With reference to paragraph 12 of the report submitted, it was considered that action needed to be taken and a letter directed to Central Government addressing the adverse impact and effects the continued cut in government funding was having on local services.
- In relation to the proposed increase in bereavement charges, it was considered that this was a sensitive issue and the Local Authority must be mindful not to be making a profit and a review of the services and contracts currently provided should be explored.

- Request that a car parking strategy be established and submitted to a future Scrutiny Committee meeting for consideration.
- Concerns about the impact of the switch off of selected street lighting from midnight.
- Consideration be given to the possibility of extending or changing the number of garden waste collections to accommodate the Autumn/Winter falls.

Arising from the comments made, the Director of the Urban Environment responded as follows:-

- Innovative materials would be used for future road maintenance works and that a recycling process was being trialled, but ascertaining the correct balance was essential.
- A significant marketing exercise had taken place on all frontline services within the Directorate, including Grounds Maintenance, and that the outcome identified for improvement was to increase charges and to make services self financing.
- That additional funding for parks was being sourced from Healthy Town grants and sport strategies to ensure parks are developed and of a good standard.
- That the figures referred to in Appendix B of the report in relation to further efficiencies including vehicle utilisation did not incorporate Housing vehicles and that this would be reviewed once the new Directorate was operational.
- A change in street lighting technology and innovative signs and bollards was being trialled which required less maintenance.
- Gully emptying would be closely monitored, particularly known risk areas. He stated that there were two emptying vehicles operational which would concentrate on 'hotspot' areas and that further investment would be put into gullies that were currently overgrown.
- Potential staffing implications equated to the loss of approximately 85 posts by 2017/18 which represented a reduction of 40% compared with 2010. The restructure of teams, voluntary redundancies, redeployment and 'bumping' options would all be considered. Work would need to be prioritised and appreciation would need to be given that response times would be reduced as a result. The Director agreed to provide further details to the Committee in due course.
- Bereavement charges were incorporated into the funeral director fees and that current contracts and services provided would be reviewed.

- Figures in relation to bereavements paid by the Local Authority and whether payment plans would be an option would be provided direct to Members.
- A car parking strategy was in the process of being developed and an overall review of car parking would take place and would be presented to a future meeting of this Committee.
- That the technology used for street lighting enabled various different options to be used i.e. switch off, switch on at different times or dim; all would contribute to energy savings. The switch off of street lighting had been trialled in some areas and no complaints had been received. Non-residential areas would continue to be considered but would be closely monitored.
- That consideration would be given to a change in green waste collections however, an increase in the number of collections would have significant cost implications.

#### Resolved

- (i) That the Cabinets proposals for the Medium Term Financial Strategy to 2017/18, taking into account the considerations set out in paragraph 36 of the report and appendices to the report submitted, be noted.
- (ii) That the Director of the Urban Environment be requested to provide Members direct with figures in relation to bereavements paid for by the Local Authority and whether payment plans could be an option. In addition, further information on the ongoing office related savings would be supplied.

The meeting ended at 6.55pm.

CHAIR

**Minutes of the Appeals Committee (Children's Services Transport Appeals)**  
**Sub-Committee**

**Wednesday 21<sup>st</sup> January, 2015 at 10.00 a.m**  
**in Committee Room 3 at the Council House, Dudley**

**Present:**

Councillor J Martin (Chair)  
Councillor A Aston (Vice-Chair)  
Councillor Mrs Turner

**Officers:**

T Wells, Senior Transport Manager – (Directorate of People Services) and K Buckle, (Democratic Services Officer) – (Directorate of Resources and Transformation).

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1. **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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2. **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 10<sup>th</sup> October, 2013, be approved as a correct record and signed.

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3. **Exclusion of the Public**

Resolved

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

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4. **Home To School/College Transport Appeal - ZN**

The Sub-Committee considered an appeal relating to Home to School/College Transport.

The Applicant, Mrs AB together with her representative NS, was in attendance at the meeting.



Following introductions by the Chair, the Democratic Services Officer outlined the procedure to be followed.

The Senior Transport Manager, Directorate of People Services, presented the report on behalf of the Local Authority.

Following the presentation, the Applicant and the Panel were given the opportunity to ask questions of the Local Authority report.

The Applicant's representative NS then presented the case as to why it was imperative that ZN was provided with home to school transport and provided additional verbal evidence in relation to the further diagnosis of muscular dystrophy.

Following the presentation by the Applicant's representative NS, the Panel asked questions on the evidence provided.

Following a detailed discussion and questioning, both parties were asked to make final submissions and then withdrew from the meeting so that the Sub-Committee could continue its deliberations in respect of the Home to School Transport Appeal.

#### RESOLVED

- (1) That, following careful consideration of the written representations as circulated with the agenda papers and all the comments and submissions made at the meeting, the appeal be upheld and that transport for ZN be provided to the Brier school upon receipt of written confirmation of the diagnosis of muscular dystrophy from the Paediatric Consultant of ZN.
- (2) That the Strategic Director of Resources and Transformation advise the applicant of the decision of the Sub-Committee in writing.

The meeting ended at 10.50am

CHAIR

## **Minutes of the Appointments Committee**

**Tuesday 18<sup>th</sup> November, 2014 at 9.15 am**  
**in Committee Room 3, Council House, Priory Road, Dudley**

### **Present:**

Councillor P Lowe (Vice-Chair in the Chair)  
Councillors D Branwood, P Brothwood, T Crumpton, M Evans, P Harley,  
R Harris, G Partridge and D Vickers

### **Officers:**

Sarah Norman (Chief Executive – Designate), T Reilly (Assistant Director of  
Corporate Resources - Human Resources and Organisational Development)

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38      **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors  
J Foster, D Sparks and S Turner.

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39      **Appointment of Substitute Members**

Councillors D Branwood, T Crumpton and G Partridge were serving in place of  
Councillors J Foster, D Sparks and S Turner, respectively, for this meeting of the  
Committee.

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40      **Declarations of Interest**

No declarations of interest, in accordance with the Members' Code of Conduct,  
were received in respect of any matters to be considered at this meeting.

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41      **Minutes**

Resolved

That the minutes of the meeting held on 14<sup>th</sup> November, 2014 be  
approved as a correct record and signed.

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42      **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.

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43      **Chief Officer Appointments – People Services**

The Committee interviewed candidates for the post of Chief Officer (Adult Social Care).

The posts of Strategic Director (People Services), Chief Officer (Children's Services) and Chief Officer (Health and Wellbeing) had been externally advertised.

Resolved

That Matt Bowsher, presently the Assistant Director of Adult, Community and Housing Services (Quality and Commissioning) – Dudley MBC, be appointed to the post of Chief Officer (Adult Social Care), with effect from 19<sup>th</sup> January, 2015 in accordance with the salary and terms and conditions of employment applicable to the post.

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The meeting ended at 12.15 p.m.

CHAIR

## **Minutes of the Appointments Committee**

**Thursday 20<sup>th</sup> November, 2014 at 1.30 pm**  
**in Committee Room 3, Council House, Priory Road, Dudley**

### **Present:**

Councillor P Lowe (Vice-Chair in the Chair)  
Councillors K Ahmed, H Bills, M Evans, J Foster, P Harley, G Partridge,  
R Scott-Dow and D Vickers

### **Officers:**

Sarah Norman (Chief Executive – Designate); J Millar (Director of the Urban Environment) and T Reilly (Assistant Director of Corporate Resources - Human Resources and Organisational Development)

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#### 44      **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors P Brothwood, R Harris, D Sparks and S Turner.

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#### 45      **Appointment of Substitute Members**

Councillors H Bills, G Partridge, K Ahmed and R Scott-Dow were serving in place of Councillors R Harris, D Sparks, S Turner and P Brothwood, respectively, for this meeting of the Committee.

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#### 46      **Declarations of Interest**

No declarations of interest, in accordance with the Members' Code of Conduct, were received in respect of any matters to be considered at this meeting.

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#### 47      **Minutes**

Resolved

That the minutes of the meeting held on 18<sup>th</sup> November, 2014 be approved as a correct record and signed.

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**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.

**Chief Officer Appointments – Environment, Economy and Housing**

The Committee interviewed candidates for the posts of Chief Officer (Planning and Economic Development), Chief Officer (Environmental Services), and Chief Officer (Housing).

Resolved

- (1) That Phil Coyne, presently the Assistant Director of the Urban Environment (Economic Regeneration and Transportation), be appointed to the post of Chief Officer (Planning and Economic Development), with effect from 19<sup>th</sup> January, 2015 in accordance with the salary and terms and conditions of employment applicable to the post.
- (2) That Matt Williams, presently the Assistant Director of the Urban Environment (Environmental Management), be appointed to the post of Chief Officer (Environmental Services), with effect from 19<sup>th</sup> January, 2015 in accordance with the salary and terms and conditions of employment applicable to the post.
- (3) That the post of Chief Officer (Housing Services) be advertised externally.

The meeting ended at 6.45 p.m.

CHAIR

## **Minutes of the Appointments Committee**

**Tuesday 25<sup>th</sup> November, 2014 at 2.00 pm**  
**in Committee Room 3, Council House, Priory Road, Dudley**

### **Present:**

Councillors H Bills, P Brothwood, M Evans, C Hale, M Hanif, P Harley, R Harris, G Partridge and D Vickers

### **Officers:**

S Norman (Chief Executive – Designate) and T Reilly (Assistant Director of Corporate Resources - Human Resources and Organisational Development)

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#### 50      **Appointment of Chair**

Resolved

That Councillor R Harris be appointed as Chair for this meeting of the Committee.

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#### 51      **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors J Foster, P Lowe, D Sparks and S Turner.

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#### 52      **Appointment of Substitute Members**

Councillors C Hale, G Partridge, H Bills and M Hanif were serving in place of Councillors J Foster, P Lowe, D Sparks and S Turner, respectively, for this meeting of the Committee.

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#### 53      **Declarations of Interest**

No declarations of interest, in accordance with the Members' Code of Conduct, were received in respect of any matters to be considered at this meeting.

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54

**Minutes**

Resolved

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

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55

**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.

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56

**Chief Officer Appointment – Health and Wellbeing**

The Committee interviewed candidates for the post of Chief Officer (Health and Wellbeing).

Resolved

- (1) That, subject to the necessary pre-employment checks, Deborah Harkins be appointed to the post of Chief Officer (Health and Wellbeing) with effect from 19<sup>th</sup> January, 2015 in accordance with the salary and terms and conditions of employment applicable to the post.
- (2) That, subject to the approval of the Council, Ms Harkins be designated as the statutory Director of Public Health with effect from 19<sup>th</sup> January, 2015.

The meeting ended at 5.45 p.m.

CHAIR

## **Minutes of the Appointments Committee**

**Friday 19<sup>th</sup> December, 2014 at 12.15 pm**  
**in Committee Room 3, Council House, Priory Road, Dudley**

### **Present:**

Councillor P Lowe (Vice-Chair in the Chair)  
Councillors D Branwood, P Brothwood, T Crumpton, M Evans, P Harley,  
R Harris, D Vickers and S Turner

### **Officers:**

S Norman (Chief Executive – Designate) and T Reilly (Assistant Director of  
Corporate Resources - Human Resources and Organisational Development)

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#### 57      **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors  
J Foster and D Sparks.

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#### 58      **Appointment of Substitute Members**

Councillors T Crumpton and D Branwood were serving in place of Councillors  
J Foster and D Sparks, respectively, for this meeting of the Committee.

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#### 59      **Declarations of Interest**

No declarations of interest, in accordance with the Members' Code of Conduct,  
were received in respect of any matters to be considered at this meeting.

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#### 60      **Minutes**

Resolved

That the minutes of the meeting held on 25<sup>th</sup> November, 2014 be  
approved as a correct record and signed.

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61      **Exclusion of the Public**

Resolved

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

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62      **Appointment of Strategic Director (People Services)**

The Committee interviewed candidates for the post of Strategic Director (People Services).

Resolved

- (1) That approval be given to the payment of 5 statutory duties allowances in respect of statutory officer posts.
- (2) That the Council be recommended:
  - (a) That, subject to the necessary pre-employment checks, Anthony Oakman be appointed to the post of Strategic Director (People Services), in accordance with the salary and terms and conditions of employment applicable to the post, with effect from a date to be agreed.
  - (b) That Mr Oakman be appointed as the officer responsible for the Council's statutory adult social care and children's services responsibilities, with statutory duties allowances paid as appropriate.

The meeting ended at 4.15 p.m.

CHAIR

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

**Tuesday 9<sup>th</sup> December, 2014 at 6.00 p.m.**  
**in Committee Room 3, The Council House, Dudley**

### **Present:-**

Councillor J Cowell (Chair)  
Councillor M Roberts (Vice-Chair)  
Councillors P Brothwood, M Evans, J Martin, C Perks, D Russell and A Taylor

### **Officers:-**

I Newman (Treasurer); L Bourne (Principal Information Security Officer); L Bradshaw (Head of Audit Services); L Cleeton (Review and Improvement Consultant); M Farooq (Assistant Director – Law and Governance); G Harrison (Audit Manager - Central Services); T Reilly (Assistant Director – HR and Organisational Development); R Sims (Assistant Director – Housing Strategy and Private Sector); A Taylor (Principal Auditor), and K Taylor (Democratic Services Officer).

### **Also in Attendance:-**

S. Joberns (Grant Thornton)

#### 28. **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors A Aston, C Billingham and D Tyler.

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#### 29. **Appointment of Substitute Members**

It was reported that Councillors J Martin and C Perks had been appointed as substitute members for Councillors A Aston and D Tyler, respectively, for this meeting of the Committee only.

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#### 30. **Declarations of Interest**

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

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31. **Minutes**

Arising from consideration of the minutes, Councillor Roberts referred to the pre-amble to Minute 20 and reported that she had still not received a response from the Director of the Urban Environment in relation to the Castle Hill Development Project.

Resolved

That the minutes of the meeting held on 18<sup>th</sup> September, 2014, be approved as a correct record and signed.

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32. **Change in Order of Business**

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

Resolved

That the remaining items of business be considered in the following order :-

Agenda Item Nos. 10, 12, 5, 6, 7 and 11

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33. **Exclusion of the Public**

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.

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34. **Suspensions under the provisions of the Employee Improvement and Disciplinary Procedure**

A report of the Director of Corporate resources was submitted on the numbers of employees suspended pending an investigation into allegations of gross misconduct during October, 2013 to September, 2014.

Arising from consideration of the report submitted, reference was made to the number of suspensions during October, 2013 and September, 2014, the majority of which related to Schools that were under the control of the Local Education Authority. It was also noted that the average length of suspensions, specifically those relating to schools, were high in view of the school holidays and the complexity of some cases.

The Assistant Director of HR and Organisational Development reported that the average cost spent on suspensions varied significantly dependent upon the salary level, contract and complexity of the case

It was also noted that due to the potentially high monetary value of unfair dismissal compensatory awards it was important that investigations and suspensions were undertaken correctly.

It was also noted that due to the corporate restructure and the reduction of Senior Management, it could affect future investigations in terms of the number of senior officers available for chairing disciplinary panels.,

Members asked a number of questions and made comments which were responded to, in particular, in respect of employees returning to their jobs following an investigation that resulted in them receiving action short of dismissal, and the procedure when an employee who had been suspended pending investigation went on sick leave.

At this juncture, Members requested specific information in relation to suspensions highlighted in the report submitted, in particular, the process undertaken and a chronology of events, in order to identify that investigations were undertaken effectively and whether there were sufficient members of staff in HR to support.

Following further discussion it was,

#### RESOLVED

That the information contained in the report submitted be noted, but that full commentary on the report be deferred and that a further report detailing specific information in relation to a selection of four suspensions to be submitted to a future meeting of the Committee.

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35. **Annual Audit Report in relation to the Directorate of Adult, Community and Housing Services**

A report of the Treasurer was submitted on the audit work, undertaken in the Directorate of Adult, Community and Housing Services for the financial year 2013/14 and incorporating details of the more important findings as indicated in Appendix 2 and 3 to the report submitted.

Arising from consideration of the report, and Appendix to the report, submitted reference was made to the improvement of the number of post audit questionnaires completed and returned and the percentage of final reports issued within six weeks of the draft report.

It was noted that there were a high number of findings for the two Adult Care and Support Teams and the Access Team, however these were new audits following a reorganisation within Adult Social Care.

Members asked a number of questions and made comments which were responded to, in particular, in respect of the increase of unimplemented recommendations, and the management responses highlighted in the report.

Following comments made, the Assistant Director of Housing Strategy and Private Sector assured the Committee that work was being undertaken to address the recommendations highlighted in the report submitted.

In responding to a question raised by Members in relation to comparative costs from different companies that provided translations and interpretations not being reviewed on an annual basis, the Assistant Director of Housing Strategy and Private Sector undertook to provide Councillor Brothwood with data in relation to the costs involved from using the current and a different supplier.

Concerns were raised by Members in relation to employees not taking their lunch breaks or compensatory breaks, in accordance with the Working Time Directive. It was noted that staff were now having their breaks, however it had had a major impact on service delivery and it had been difficult to allocate a break, therefore some employees had written to HR requesting to opt out of the directive. In responding, the Assistant Director of Housing Strategy and Private Sector stated that the Assistant Director of Quality and Commissioning would be agreeable to attend a future meeting of the Committee to provide an update and discuss the matter further.

In responding to a question, the Review and Improvement Consultant undertook to provide the Chair with further information in relation to the amount of time during which there was not a protocol in place for the sharing of partnership information, and an update on the implementation of a GCSX account to transfer confidential information to third parties.

In responding to a question, the Review and Improvement Consultant undertook to update Councillor Taylor on the project plan for Shared Lives, which was currently on hold.

Resolved

- (1) That the findings of the 2013/14 audit work be accepted.
- (2) That the Assistant Director of Housing Strategy and Private Sector be requested to provide Councillor Brothwood with data in relation to the costs involved using the current and a different supplier for translations and interpretations.

- (3) That the Review and Improvement Consultant be requested to provide the following:
- a) Councillor Cowell with further information in relation to the amount of time during which there was not a protocol in place for the sharing of partnership information, and an update on the implementation of a GCSX account to transfer confidential information to third parties.
  - b) Councillor Taylor with an update in relation to the project plan for Shared Lives.
- (4) That the Assistant Director of Quality and Commissioning be requested to attend a future meeting of the Committee to provide an update and further information in relation to the issues with regard to staff not taking a break in accordance with the Working Time Directive.
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At this juncture, Councillor D Russell withdrew from the remainder of the meeting.

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36. **Grant Thornton Annual Audit Letter 2013/14**

A joint report of the Chief Executive and the Treasurer was submitted on the Council's external auditors annual Audit Letter for 2013/14. A copy of the letter was appended to the report submitted.

Ms S Joberns presented the report and Appendices to the report submitted, and issued an unqualified opinion.

Resolved

That the information contained in the report, and Appendices to the report, submitted on the Annual Audit Letter 2013/14, be noted.

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37. **Annual Report of the Committee on Standards in Public Life**

A report of the Monitoring Officer was submitted on the annual report of the Committee on Standards in Public Life 2013/14. A copy of the report was appended to the report submitted.

Arising from the presentation of the report and Appendix to the report, submitted, the Assistant Director of Law and Governance made particular reference to the comments on Local Government Standards arising from the introduction of the new standards regime under the Localism Act 2011.

Resolved

38. **Risk Management**

A report of the Treasurer was submitted on current corporate risks and other matters relating to risk management, and to provide closer scrutiny of the Council's corporate risk – Risk ORG0013 – Information Governance – that was identified for consideration by the Committee at a previous meeting.

The Principal Information Security Officer gave a power point presentation in relation to Information Governance, and in doing so stated that the area covered a broad spectrum and there was continued pressure from the Government to recognise Information as a key asset.

The Principal Information Security Officer reported to the Committee that Local Authorities were required to comply with statutory obligations, and that there would be some changes to the Data Protection Act in 2016/17.

Reference was made to the legal requirement to maintain personal data for a number of years, including staff records, and that the information was held in a number of systems identified within the Information Asset Register.

The Principal Information Security Officer reported that 1,700 requests for information under the Data Protection Act, Freedom of Information and Environmental Information Regulations Act 2004 had been received during 2014, 82% of which were processed within time. It was noted that the estimated cost of handling requests in 2014 was £272,000, and that there were over 50 Agreements implemented with third parties to enable sharing and use of information.

It was noted that there was a robust programme of compliance throughout the Council, and 56 non-ICT breaches had been investigated during 2014, the majority of which were due to paper which continued to be the biggest risk. The number of requests received increased on a yearly basis, and it was evident that the quality of requests had improved.

Reference was then made to the mitigating controls that had been implemented including an Information Governance Board to oversee development of and compliance with information governance policies and a mandatory online training programme for Data Protection, Freedom of Information and Information Security for all staff. It was also noted that a Statement of Undertaking had been issued from the Information Commissioner following a breach, which resulted in an Action Plan being developed, and that the Information Commissioner was satisfied with the progress undertaken.

Arising from the presentation, Members asked a number of questions and the Principal Information Security Officer responded as follows:-

- In relation to the cost implications of Freedom of Information requests, it was reported that there was a limit of 18 hours or less than £450 of work that was free of charge to the requester, and that three requests had been received since 2004, where payment of a fee had been requested, and requests that appeared similar during a sixty day period, would be aggregated. It was noted however that the aim was to decrease the number of requests by allowing data that was not confidential to be readily available and on the Dudley MBC domain.
- Following a request by a Member, the Principal Information Security Officer undertook to circulate the presentation to Members of the Committee.
- That initial requests for Data Protection Subject Access information were not charged, however this may be looked at in the future.
- That there was a requirement legally to demonstrate and publish compliance with Freedom of Information requests on the website on a yearly basis, and following a request the Principal Information Security Officer undertook to look at publishing the information in a user-friendly format.

During his presentation of the content of the report, and Appendix 1 to the report submitted, the Treasurer referred, in particular, to the Committee giving consideration to identifying and scrutinising a specific risk from those shown in the Appendix for consideration when the Committee next considered the issue of corporate risks at its meeting in February, 2015. It was noted that due to the number of items to be considered at the next meeting of the Committee, the Committee may be minded to defer consideration of the risk until April, 2015.

#### Resolved

- (1) That the information contained in the report, and Appendix 1 to the report, submitted on current corporate risks and other matters relating to risk management, be noted.
- (2) That the risk ORG0013 – Information Governance, be noted.
- (3) That the risk ORG0019 – Fraud - be the particular risk identified for closer scrutiny the next time a risk report was referred for consideration by the Committee, in April, 2015.
- (4) That the Principal Information Security Manager be requested to circulate the presentation given to all Members of the Committee, and to look at ensuring the information submitted on the website, was easy to understand.



That the public and press be excluded from the meeting for the following items of business on the grounds that it involves 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.

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40.

#### **Fraud Presentation**

The Head of Audit Services gave a power point presentation in relation to Fraud Awareness and outlined the roles and responsibilities in the prevention, detection and investigation of fraud. The presentation was given following a request made at the previous Committee meeting arising from a discussion on the skills and knowledge questionnaire undertaken by Members of the Committee and the need for further training.

During his presentation, the Head of Audit Services made particular references to the Fraud Act that was implemented in January, 2007, the outcome of fraud, and the Bribery Act 2010, which was also referenced in the Members' Code of Conduct, specifically in respect of declaring pecuniary and non-pecuniary interests. It was also reported that specific fraud areas such as Procurement, Housing and Council Tax were being looked at in line with the National Fraud Authority strategy.

Reference was made to the profile of staff that committed fraud and various ways in how to detect fraud, however ultimately it was the responsibility of managers to identify and detect fraud. It was noted that the introduction of the Fraud Hotline had resulted in an average of 150 calls, and had proven to be successful.

The Head of Audit Services referred to a fraud formula, namely, MOM (Motive + Opportunity + Means), and stated that Audit Services were concentrating on identifying the opportunity and means, specifically, weak control, poor management, and access to assets and cash.

It was noted that CIPFA had recently issued guidance and that Dudley MBC complied with the CIPFA Code of Practice "Managing the Risk of Fraud and Corruption", including implementing a Anti Fraud and Corruption Strategy, an Audit and Standards Committee and a Confidential Reporting Policy.

Arising from the presentation given, the Head of Audit Services responded to questions asked by the Committee in relation to the controlling measures in place in relation to attempted fraud via computers, and confirmed that the Fraud Hotline telephone number (01384 814242) had also been displayed on the side of vans used by employees in Housing.

Resolved

That the presentation given in relation to Fraud Awareness be noted.

The meeting ended at 8.35 p.m.

CHAIR

**Minutes of the Development Control Committee**  
**Tuesday 2<sup>nd</sup> December, 2014 at 6.00 pm**  
**In the Council Chamber, The Council House, Dudley**

**Present:-**

Councillor Q Zada (Chair)  
Councillor K Casey (Vice-Chair)  
Councillors A Ahmed, D Caunt, A Goddard, C Perks, R Scott-Dow, E Taylor and D Vickers

**Officers:-**

G Breakwell (Senior Solicitor), M Johal (Democratic Services Officer), P Reed (Principal Development Control Officer) and S Willetts (Planning Control Manager)

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45     **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor J Martin.

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46     **Appointment of Substitute Member**

It was reported that Councillor E Taylor had been appointed to serve in place of Councillor J Martin for the meeting of this Committee only.

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47     **Declarations of Interest**

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

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48     **Plans and Applications to Develop**

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, 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 of the 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 person was in attendance at the meeting and spoke on the planning application indicated:-

<b><u>Application No</u></b>	<b><u>Objectors/supporters who wishes to speak</u></b>	<b><u>Agent/Applicant who wishes to speak</u></b>
P14/1524		Mr Green – Applicant

<b><u>Application No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
P14/1349	9 Brick Kiln Lane, Lower Gornal, Dudley – Erection of Detached Outbuilding to Create a Residential Annexe (Part Retrospective)	Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted.
P14/1423	Briar Court, Baptist End Road, Dudley – Conversion of Existing Carport and Bin Store to Create 1 No Dwelling with Associated Car Parking	Approved, subject to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted.
P14/1524	45 Cross Lane, Sedgley, Dudley – Fell 1 Beech Tree	Refused, for the reason as set out in the report submitted.

#### 49 **Confirmation of Tree Preservation Orders**

A report of the Director of the Urban Environment was submitted requesting consideration as to whether the following Tree Preservation Orders (TPO) should be confirmed with or without modification in light of the objections that had been received.

The following person had indicated that he wished to speak at the meeting and spoke on the tree preservation order indicated:-

<b><u>TPO No</u></b>	<b><u>Objectors/supporters who wishes to speak</u></b>	<b><u>Agent/Applicant who wishes to speak</u></b>
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TPO/0091/QBD	Mr Terry Wood – objector
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<b><u>TPO No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
TPO/0091/QPD	Land in Quarry Road, Netherton	Deferred for a Site Visit

TPO/0097/SED Radnor Road, Sedgley Confirmed without modification.

The meeting ended at 6.50 pm.

CHAIR

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

**Monday 22<sup>nd</sup> December, 2014 at 6.00 pm**  
**In the Council Chamber, The Council House, Dudley**

### **Present:-**

Councillor Q Zada (Chair)  
Councillor K Casey (Vice-Chair)  
Councillors D Caunt, A Goddard, J Martin, C Perks, D Perks, E Taylor and D Vickers

### **Officers:-**

Jeremy Butler (Group Engineer), Tim Glews (Environmental Protection Manager), Helen Martin (Head of Planning), P Reed (Principal Development Control Officer), S Willetts (Planning Control Manager) and Helen Yorke (Planning Officer - Development Control) (All Directorate of the Urban Environment); G Breakwell (Senior Solicitor), Josef Jablonski (Assistant Principal Officer (Democratic Services)), Helen Shepherd (Democratic Services Officer) (Directorate of Corporate Resources).

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#### **50     Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors A Ahmed and R Scott-Dow.

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#### **51     Appointment of Substitute Members**

It was reported that Councillors E Taylor and D Perks had been appointed to serve in place of Councillors A Ahmed and R Scott-Dow, respectively, for this meeting of the Committee only.

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#### **52     Declarations of Interest**

In accordance with the Members' Code of Conduct Councillor K Casey declared a non-pecuniary interest in relation to agenda item no. 6 Planning Application No. P14/1581 (Seven Stars, Gospel End Road, Dudley) as he was employed by the Constituency Member of Parliament that had written to confirm objections to the application, referred to in the pre-committee notes.

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53 **Minutes**

Resolved

That the minutes of the Committee held on 2<sup>nd</sup> December, 2014, be approved as a correct record and signed.

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54 **Plans and Applications to Develop**

A report of the Director of the Urban Environment 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 application indicated:-

<b><u>Application No</u></b>	<b><u>Objectors/supporters who wishes to speak</u></b>	<b><u>Agent/Applicant who wishes to speak</u></b>
P14/1581	Councillor Bill Etheridge – Ward Councillor  Mr N Shorthouse – Objector	Mr M Robson

<b><u>Application No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
P14/1581	Seven Stars, Gospel End Road, Dudley – Change of use of premises to retail use with erection of single storey side/rear extension, new shop front and entrance doors. New ramped access with handrails, new lighting and associated external works	Refused for the following reason:-  The proposed development will lead to increased traffic generation and flows in the vicinity of the site with a consequent increase in disturbance, having an adverse impact upon the amenities and outlook of local residents and highway safety, contrary to saved policy DD4 of the Unitary Development Plan 2005 and policy TRAN 2 of the Black Country Core Strategy 2011

In considering the above application Members commented on the detrimental impact to residential amenity that would occur should the application be granted and to highway aspects. It was further agreed that condition 10 be deleted.

P14/1265	Brierley Hill Steel Terminal, Moor Street, Brierley Hill – Demolition of existing buildings. Erection of an Advanced Conversion Technology (ACT) and Anaerobic (AD) facility and education centre with parking, landscaping, retaining structures and associated works (resubmission of refused planning application P12/1287)	Withdrawn by the applicant prior to the meeting.
P14/1207	1 Coxcroft Avenue, Quarry Bank, Brierley Hill – Erection of 1 no. dwelling and garage	Approved, subject to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted.
P14/1483	233 Wolverhampton Road, Sedgley, Dudley – Erection of a detached double garage in front garden	Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
P14/1540	Foxyards Primary School, Foxyards Road, Tipton – Fell 1 Mountain Ash and 2 Beech Trees: Crown Lift 1 Beech Tree together with formative pruning: fell and poison selective species 1M off fence line: selective removal and reduction of shrubs rear of properties 829-825 BNR	Approved, subject to the condition, as set out in the report submitted.



P14/1582

Streetbike, Mucklow Hill, Halesowen – Change of use to A1 (retail). Two storey side extension with new access stair and lift, first floor extension, blocking up of windows, doors and roller shutters and provision of new shop front windows to side elevation. Associated works to car park (resubmission of withdrawn application P14/0553)

Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted, amended conditions numbered 3, 4 and 5, as set out below, additional conditions numbered 6 and 7, as set out below, the renumbering of the remaining conditions 6 to 21 as set out in the report submitted as numbered 8 to 23 and the amendment of the newly numbered conditions 11 and 19 as set out below:-

3. No development shall commence until details of road safety works, including improvements to pedestrian crossing facilities in the vicinity of the site, have been submitted to and approved in writing by the Local Planning Authority. Prior to first use of the development hereby approved the road safety works and pedestrian crossing facilities should be implemented in full accordance with the approved details and shall remain as approved for the life of the development.
4. Delivery vehicles to the site, whether loaded or unloaded shall only enter the site Monday to Saturday between 0700 and 0900 and between 1800 and 2100 and on Sundays and Public Holidays only between 0900 and 1800 and at no other time for the lifetime of the development.
5. The premises known as retail area 1 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 1800 Monday to Saturdays or before 0900 or after 1800 on Sundays and Public Holidays.

6. The premises known as retail area 2 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 2300 Monday to Saturdays or before 0900 or after 1800 on Sundays and Public Holidays.
7. The premises known as retail area 3 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 2200 Monday to Saturdays or before 0900 or after 1800 on Sundays and Public Holidays.
11. Prior to the development first being brought into use details of 2 electric vehicle charging bays with electric charging points in accordance with the Council's Standards (Parking Standards SPD) shall be submitted to the Local Planning Authority and approved in writing. The details shall include signs and bay markings indicating the bays will be used for parking of electric vehicles only whilst being charged. The electric charging points and bays will be provided in accordance with the approved details prior to first use and maintained as such for the life of the development.
19. The existing first floor areas above proposed retail areas 2 and 3 (noted as void on plan number 13-1374/07F) shall not be used at any time for any for the sale or storage of retail goods for life of the development.

P14/1592	Unit 2, 100 Dock Lane, Dudley – Change of use from (B8) to Private Members Club with photographic studio and new smoking shelter (Sui Generis)	<p>Refused, for the following reasons:-</p> <ol style="list-style-type: none"> <li>1. The proposed use is considered to be detrimental to the residential and associated amenities of the locality and the viability of commercial interests by virtue of the perceived impacts of the proposed development upon the area, being incompatible with the social and cultural cohesion of the community, contrary to saved policies DD1, DD4 and DD5 of the Unitary Development Plan 2005 and policy ENV3 of the Black Country Core Strategy 2011.</li> <li>2. The development is not considered to provide an appropriate level of car parking for the proposed use which may lead to overspill car parking on the local highway network or local businesses to the detriment of highway safety and the operation of commercial interests, contrary to saved policies DD4 and DD5 of the Unitary Development Plan 2005, policies TRAN 2 and TRAN4 of the Black Country Core Strategy 2011 and the Parking Standards Supplementary Planning Document.</li> </ol>
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In considering the above application Members raised concerns about the impact on residential amenity of the application, the impact on local businesses and on potential businesses should the application proceed and related highway aspects.

P14/1654	Land at Rear of 1 and 3 Mons Hill, (off Dawlish Road), Dudley – Erection of 3 no dwellings (retrospective) with new parking (resubmission of refused application P14/1113)	Approved, subject to conditions, numbered 2 to 11 (inclusive), as set out in the report submitted, together with amended condition, numbered 1, as follows:-  1. The development hereby permitted shall be begun before 1 <sup>st</sup> May 2015.
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## 55 **Confirmation of Tree Preservation Orders**

A report of the Director of the Urban Environment was submitted requesting consideration as to whether the following Tree Preservation Orders (TPO) should be confirmed with or without modification in light of the objections that had been received.

<b><u>TPO No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
TPO/0099/QBD	55, 56 & 57 Lantern Road, Netherton	Confirmed without modification.
TPO/0102/SED	Gospel End Road, South View Road and Caswell Road, Sedgley	Confirmed without modification.

## 56 **Public Consultation on the Dudley Area Action Plan ‘Preferred Options’ stage document**

A report of the Director of the Urban Environment was submitted on the Preferred Options stage of the Dudley Area Action Plan (AAP) document that would be used as basis for public consultation which would commence in January 2015 for a period of six weeks, approved by Cabinet on 4<sup>th</sup> December, 2014.

Resolved

That the report submitted on the Preferred Options stage of the Dudley Area Action Plan (AAP) document that would be used as basis for public consultation which would commence in January 2015 for a period of six weeks, approved by Cabinet on 4<sup>th</sup> December, 2014, be noted.

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57     **Public Consultation on the Contaminated Land Inspection Strategy and Cost Recovery Policy for Dudley Borough**

A report of the Director of the Urban Environment was submitted on the draft Contaminated Land Inspection Strategy and the Cost Recovery Policy documents that were considered at the meeting of the Cabinet on 4<sup>th</sup> December, 2014 for use as a basis for a statutory public consultation that had commenced on 12<sup>th</sup> December, 2014 for a period of five weeks.

Resolved

That the report submitted on the Contaminated Land Inspection Strategy and the Cost Recovery Policy, for use as a basis for the public consultation that had commenced on 12<sup>th</sup> December, 2014 for a period of five weeks, be noted.

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The meeting ended at 7.25 pm.

CHAIR

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

**Monday 12<sup>th</sup> January, 2015 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:-**

Councillor Q Zada (Chair)  
Councillor K Casey (Vice-Chair)  
Councillors A Ahmed, D Caunt, A Goddard, J Martin, C Perks, R Scott-Dow and D Vickers

### **Officers:-**

H Martin (Head of Planning), J North (Development Control Officer), P Reed (Principal Development Control Officer) and S Willetts (Planning Control Manager) (All Directorate of the Urban Environment); G Breakwell (Senior Solicitor) and H Shepherd (Democratic Services Officer) (Directorate of Corporate Resources).

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#### **58      Declarations of Interest**

In accordance with the Members' Code of Conduct Councillor K Casey declared a non-pecuniary interest in relation to agenda item no. 8 Tree Preservation Order TPO/0110/SED (Northway/Eversley Grove) as he was employed by the Constituency Member of Parliament who had written to object to the order on behalf of residents.

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#### **59      Minutes**

Resolved

That the minutes of the Committee held on 22<sup>nd</sup> December, 2014, be approved as a correct record and signed.

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#### **60      Informal Site Visit (Confirmation Report for The Borough of Dudley (Land in Quarry Road, Netherton (TPO/0091/QBD))**

Consideration was given to the confirmation report for the Borough of Dudley (Land in Quarry Road, Netherton (TPO/0091/QBD)) in respect of which Members of the Committee had undertaken an informal site visit earlier that day.

Mr Wood, objector, was in attendance at the meeting and spoke on the order.

<b><u>TPO No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
TPO/0091/QBD	Land in Quarry Road, Netherton	Confirmed, subject to the following modifications:  That the area subject to the objection W1 and identified in Appendix 1.3 of the report submitted, be removed from the order.

In considering the order, Members considered the land to be scrub land which was unmanaged with unwanted species taking over. It was further considered that the trees situated on the site were not in a good condition and did not warrant a tree preservation order and that the potential factory expansion and the creation of further jobs overrode the need for the tree preservation order to be made on the area subject to the objection.

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61 **Change in Order of Business**

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

Resolved

That agenda item no. 8 Confirmation of Tree Preservation Orders be the next item of business.

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62 **Confirmation of Tree Preservation Orders**

A report of the Director of the Urban Environment was submitted requesting consideration as to whether the following Tree Preservation Orders (TPO) should be confirmed with or without modification in light of the objections that had been received.

The following person was in attendance at the meeting and spoke on the order indicated:-

<b><u>TPO No</u></b>	<b><u>Objectors/supporters who wishes to speak</u></b>	<b><u>Agent/Applicant who wishes to speak</u></b>
TPO/0110/SED	Mr Cox	
<b><u>TPO No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
TPO/0110/SED	Northway/Eversley Grove, Sedgley	Confirmed, subject to the following modifications:  Trees 10 and 11 to be deleted from the order.

In considering the order Members commented on the size and age of tree 11 and referred to Mr Cox's suggestion that replanting a similar tree would be easier to maintain if tree 11 was not included in the order and removed in the future.

TPO/0105/QBD	Mushroom Green No. 2, Netherton	Confirmed, subject to the following modification:
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The position of Tree 6 be amended.

## 63 **Plans and Applications to Develop**

A report of the Director of the Urban Environment 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 person was in attendance at the meeting and spoke on the planning application indicated:-

<b><u>Application No</u></b>	<b><u>Objectors/supporters who wishes to speak</u></b>	<b><u>Agent/Applicant who wishes to speak</u></b>
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P14/1591	Ms Kim Hyde	
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<b><u>Application No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
P14/1591	Blakesley House, Moden Hill, Sedgley – Single storey rear extension, first floor side extension and extend existing roof over to create habitable room in roofspace with rear dormers.	Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted.



P14/1498	<p>The Woodside Liberal Club, 278 Stourbridge Road, Dudley – Outline Application for demolition of existing building and erection 11 no. residential units (Access and layout to be considered) (Resubmission of withdrawn application P14/0967)</p>	<p>Approved, subject to:-</p> <ul style="list-style-type: none"> <li>(a) The applicant entering into a Section 106 Agreement for a contribution towards improvements to pathways at Woodside Park totalling £21,253.45 and a management and monitoring charge of £1000.</li> <li>(b) The completion of the Agreement by 22<sup>nd</sup> February 2015 and in the event of this not happening, the application being refused if appropriate.</li> <li>(c) Conditions numbered 1 to 25 (inclusive) as set out in the report submitted and that the Director of the Urban Environment be authorised to make amendments to these as necessary.</li> </ul>
P14/1542	<p>Dudley College, Mons Hill Campus, Wrens Hill Road, Dudley – Approval of reserved matters for erection of 43 Dwellings (Following outline Approval P11/0652)</p>	<p>Approved, subject to conditions numbered 1 and 4 to 9 (inclusive) as set out in the report submitted, amended conditions numbered 2 and 3, as set out below and additional conditions numbered 10 and 11 as set out below:-</p> <ul style="list-style-type: none"> <li>2. The development hereby permitted shall be carried out in accordance with the following approved plans: B5851 (PL) 01 Rev C, B5851 PL 02 Rev A, B5851 (PL) 03 Rev C, B5851 PL 05 Rev A, B5851 PL 06 B, B5851 PL 07B, B5851 PL 10, B5851 PL 1, B5851 PL 12, B5851 PL 13, B5851 PL 14, B5851 PL 15, B5851 PL 16, B5851 PL 17, B5851 PL 18, B5851 PL 19, B5851 PL 20, B5851 PL 21, B5851 PL 30, AE1431-01 Rev B and unreferenced TamLite Plan unless otherwise agreed in writing by the Local Planning Authority, or otherwise required by any other condition attached to this permission.</li> </ul>

3. The facing materials to the dwellings, walls, other boundary details and areas of hard standing and paving shall be provided in accordance with Plan B5851 PL 06 Rev B unless otherwise agreed in writing by the Local Planning Authority.
10. Development shall not begin on phase 1 (excluding demolition) until a scheme for protecting residents in the proposed phase 1 dwellings (plots 32-43) from noise from extraction equipment at Dudley College has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority.
11. No development shall commence until details for the provision of an external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) 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.

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64      **Questions from Members to the Chair under Council Procedure Rule 11.8**

Pursuant to Council Procedure Rule 11.8 a question was asked by Councillor Caunt and responded to by the Head of Planning as follows:-

### Question

At the meeting of the full Council on 1<sup>st</sup> December 2014 an amended motion was unanimously adopted requiring the preparation of an urgent report on the planning aspects of the closure of Public Houses. Prior to the meeting of the Development Control Committee on 22<sup>nd</sup> December, 2014 I was assured by a senior Officer of the Council that the report would be presented to the Development Control Committee on 12<sup>th</sup> January, 2015 (this evening).

- (1) On what date was the report referred to above prepared and signed off by Officers?
- (2) What efforts were taken to arrange to present the report to the Cabinet Member referred to in the Council adopted resolution?
- (3) When did the Cabinet member consider the report?
- (4) In view of the urgency that the Council expressed, why is the report not on the agenda this evening? On previous occasions we have received amended agendas and agenda items, even after the deadline of a Committee, why has this not occurred on this occasion?
- (5) Is it considered to be satisfactory that a Council resolution requiring urgent action should take two months to come to the Development Control Committee?

### Response

- (1) Following Full Council on Monday 1<sup>st</sup> December we were notified to prepare on 2<sup>nd</sup> December, 2014.

We immediately undertook the research and review in the following 11 working days with an initial scope prepared by 18<sup>th</sup> December for discussion with the Cabinet Member.

Following that briefing further work was requested, a report was drafted and discussed again with the Cabinet Member on 5<sup>th</sup> January, 7 working days later.

Due to diary commitments this could not be brought forward before the Christmas break and in any event the closing date for the January Committee was 22<sup>nd</sup> December, 2014.

The final report was signed off on 9<sup>th</sup> January, 2015.

- (2) As stated above the Cabinet Member was initially briefed and taken through the scope of the research on 18<sup>th</sup> December, 2014. Additional work was requested and the Cabinet Member was briefed again on 5<sup>th</sup> January, 2015 and following that discussion the report was finalised and issued for final sign off.

- (3) As above.
- (4) The resolution from Full Council stated "...and that a report is submitted to
- and the Cabinet Member for Regeneration for consideration and then to be
- (5) reported back to the next available Development Control Committee".

Following notification of the motion, officers immediately undertook a detailed review of national legislation, national and local policy and looked at the approach other Local Planning Authorities had taken on this issue.

Action was taken promptly and immediately, however the deadline for the DC committee for 12<sup>th</sup> January, 2015 was 22<sup>nd</sup> December, 2014.

Although the Cabinet Member was initially briefed on 18<sup>th</sup> December further work had to be undertaken and the final sign off of the report was not achievable within this 3 day period.

However, the report was prepared to be presented "to the next available Development Control Committee", i.e. the 2<sup>nd</sup> February, 2015.

The review has indicated that to meet the requirements of the motion would mean a change in national legislation (outside of the gift of the Council) and the inclusion of a new policy in the emerging Dudley Borough Development Strategy which is not due for adoption until Spring 2016. Therefore the report was not considered to constitute an emergency item justifying late inclusion on the agenda.

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The meeting ended at 7pm.

CHAIR

**Minutes of the Development Control Committee**  
**Monday 2<sup>nd</sup> February, 2015 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

**Present:-**

Councillor Q Zada (Chair)  
Councillor K Casey (Vice-Chair)  
Councillors D Caunt, A Goddard, J Martin, C Perks, R Scott-Dow and D Vickers

**Officers:-**

Jeremy Butler (Group Engineer), T Glews (Environmental Protection Manager), H Martin (Head of Planning), P Reed (Principal Development Control Officer) and R Stevenson (Senior Development Control Officer) (All Directorate of Environment, Economy and Housing); G Breakwell (Senior Solicitor) and H Shepherd (Democratic Services Officer) (Directorate of Resources and Transformation).

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65      **Urgent Business**

In accordance with the provisions of Section 100(B)(4) of the Local Government Act 1972, the Chair was of the opinion that the report on the discharge of condition (P12/1447/C7) should be considered at this meeting as an urgent item of business in view of the strict time constraints requiring a Committee decision without delay.

The Chair advised that this report would be considered after agenda item no. 7 – Confirmation of Tree Preservation Order and that the meeting would be adjourned at this juncture so that Members had opportunity to familiarise themselves with the report.

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66      **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor A Ahmed.

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67      **Declarations of Interest**

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

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68 **Minutes**

Resolved

That the minutes of the Committee held on 12<sup>th</sup> January, 2015, be approved as a correct record and signed.

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69 **Plans and Applications to Develop**

A report of the Strategic Director (Environment, Economy and Housing) 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 person was in attendance at the meeting and spoke on the planning application indicated:-

<b><u>Application No</u></b>	<b><u>Objectors/supporters who wishes to speak</u></b>	<b><u>Agent/Applicant who wishes to speak</u></b>
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P14/1788	Councillor J Cowell – Ward Member	
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<b><u>Application No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
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P14/1788	61 Birch Coppice, Quarry Bank, Brierley Hill – Replace flat roof with pitched roof (Retrospective).	Deferred for a site visit.
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P14/1607	Gigmill, South Road, Norton, Stourbridge - Change of use of premises to retail use. Erection of single side and side/rear extensions with entrance doors. New ramped access with handrail, new lighting and associated external works.	Refused for the following reasons:-
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Due to the cross fall gradient of the South Road cross over access into the site, the applicant has failed to demonstrate that the proposed servicing arrangements for the proposed convenience store use can be undertaken in a manner which would not cause harm to users of the highway by way of larger vehicles potentially tipping over when entering the site.

As such the proposed development is considered to be contrary to Policy TRAN2 of the Black Country Core Strategy and Saved Policy DD4 of the Dudley Unitary Development Plan.

Members were advised at the meeting of additional concerns raised by the Group Engineer as the Highways Authority with regards to the service arrangements and customer access to the site. It was stated that Officers had attempted to work with the applicant to rectify these concerns but to no avail. It was therefore recommended that this application now be refused.

In considering the above application Members were mindful that South Road was a busy and well used road and did not wish to put residents at any risk without a full assessment of the site being carried out.

P14/1655	21 Kiniths Way, Halesowen - Installation of antenna mast and antennas in rear garden (Retrospective).	Refused for the following reason:-  The mast and associated antennae due to its height, design, siting and visual prominence are considered to be harmful to the visual amenity of adjoining neighbours. The development is therefore considered to be contrary to Saved Policy DD4 of the Dudley Unitary Development Plan.
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In considering the above application Members raised concerns in relation to the application with particular reference to no consideration having been given to the impact the installation of the antenna mast and antennas would have on their neighbour's visual amenity.

P14/1665	11 Tree Acre Grove, Cradley, Halesowen - Erection of a steel mast and radio antennas (Retrospective).	Refused for the following reason:-  The mast and associated antennae due to its height, design, siting and visual prominence are considered to be harmful to the visual amenity of adjoining neighbours. The development is therefore considered to be contrary to Saved Policy DD4 of the Dudley Unitary Development Plan.
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In considering the above application Members raised concerns in relation to the application with particular reference to no consideration having been given to the impact the installation of the antenna mast and antennas would have on their neighbour's visual amenity.

P14/1683	The Struggling Man, 57 Salop Street, Dudley - Change of use from public house (A4) to hot food takeaway (A5) with fume extraction, elevation changes to include new door.	<p>Approved, subject to conditions, numbered 1 to 9 (inclusive), as set out in the report submitted and an additional condition, numbered 10, as set out below:-</p> <p>10. Before the development hereby permitted is implemented, a Delivery Management Plan shall be submitted to and agreed in writing by the Local Planning Authority detailing measures to ensure deliveries take place to the rear of the site. The plan shall be implemented in accordance with the approved details.</p>
P14/1720	Arcal Lodge Care Home, Arcal Street, Sedgley, Dudley - Part demolition and conversion of care home to 14 No. Dwellings.	<p>Approved, subject to conditions numbered 1 and 3 to 7 (inclusive) as set out in the report submitted, an amended condition, numbered 2, and an additional condition, numbered 8, as set out below:-</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans: NB/AL/P/07, NB/AL/P/04 Rev B, NB/AL/P/03 Rev B, NB/AL/P/09, NB/AL/P/08, NB/AL/P/06 and NB/AL/P/01 A.</p>



8. The development shall not be occupied until details of the type and location of an electric vehicle charging point within the parking area allocated for units 1-10 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details, and the charging point shall be retained for the lifetime of the development.

P14/1786	17 Greenway, Sedgley, Dudley – Thin and Lift 1 No. Plane Tree.	Approved, subject to the condition set out in the report submitted.
P14/1807	Coronation Gardens, Priory Road, Dudley – Demolition of existing wall and replacement with new brick boundary wall.	Approved, subject to no objections being received during the notification period and to conditions numbered 1 to 3 (Inclusive) as set out in the report submitted.

## 70 **Confirmation of Tree Preservation Orders**

A report of the Strategic Director (Environment, Economy and Housing) was submitted requesting consideration as to whether the following Tree Preservation Order (TPO) should be confirmed with or without modification in light of the objections that had been received.

<b><u>TPO No.</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
TPO/0111/SED	High Park Crescent No. 1, Sedgley.	Confirmed, subject to the following modifications:-  Deletion of tree T18.

The meeting was adjourned at 6.43pm so that Members had opportunity to familiarise themselves with the urgent business report.

The meeting reconvened at 6.55pm

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71 **Urgent Business – Application No. P12/1447/C7 – Site of Former Cradley High School, Homer Hill Road, Cradley, Halesowen, B63 2UP**

A report of the Strategic Director (Environment, Economy and Housing) was submitted on Application No. P12/1447/C7 – Site of Former Cradley High School, Homer Hill Road, Cradley, Halesowen – Discharge of condition A32 (Street Lighting Detail). Where appropriate, details were displayed by electronic means at the meeting.

Resolved

That the Strategic Director (Environment, Economy and Housing) be authorised to determine the discharge of condition application, subject to the formal support of the Group Engineer.

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72 **Local Development Scheme 2015-2018**

A report of the Strategic Director (Environment, Economy and Housing) was submitted on the Council's Local Development Scheme (LDS) (2015-2018).

Resolved

That the information contained in the report, and appendix to the report, submitted, be noted.

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72 **Review of the Relevant National and Local Policies, Planning Legislation and National Guidance Concerning the Change of use or Redevelopment of Public Houses**

A report of the Strategic Director (Environment, Economy and Housing) was submitted on the outcome of the review of the relevant National and local planning policies, planning legislation and guidance concerning the change of use or redevelopment of Public Houses with a view to addressing the elements within the motion considered at Full Council on 1<sup>st</sup> December, 2014.

Resolved

That the information contained in the report, and appendix to the report, submitted, be noted.

The meeting ended at 7.10pm.

CHAIR

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

**Tuesday 25<sup>th</sup> November, 2014 at 10.00 am**  
**in the Council Chamber, The Council House, Dudley**

### **Present:-**

Councillor D Russell (Chair)  
Councillors D Blood and C Perks

### **Officers:-**

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

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#### **8      Declarations of Interest**

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

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#### **9      Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 16<sup>th</sup> September, 2014, be approved as a correct record and signed.

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#### **10     Application for review of Premises Licence – Days Newsagents and Stores, 32 Madeley Road, Kingswinford**

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Days Newsagents and Stores, 32 Madeley Road, Kingswinford.

Mr N J Patel, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting.

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

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

Mr King outlined the representations received from Trading Standards. He highlighted that the grounds for the review were based on the licensing objective concerning the prevention of crime and disorder due to the poor management of the premises, following the discovery of counterfeit alcohol for sale, on three separate occasions, and in direct contravention of the licensing objectives.

It was reported that the current premises licence was granted to Mr Patel on 19<sup>th</sup> December, 2005. It was also reported that he was the Designated Premises Supervisor and held a personal licence issued by Dudley Metropolitan Borough Council.

It was noted that on 7<sup>th</sup> October, 2011, during a routine inspection, an officer had found a bottle of Glens Vodka offered for sale at the premises. The bottle was seized as it had a counterfeit duty paid label on the rear.

On 18<sup>th</sup> August, 2012 during a subsequent routine inspection, an officer found 3 x 1 litre bottles and 1 70cl bottle of Glens Vodka for sale at the premises. It was reported that the bottles had been seized as it was suspected that they too had been displaying counterfeit duty paid labels on the rear.

It was noted that the manufacturer of the spirits, Glen Catrine, later confirmed that the bottles had been made for the export market without the payment of excise duty.

On 27<sup>th</sup> June, 2013, Mr Patel was informed that the bottles had been displaying counterfeit labels and had been signed over for destruction.

It was reported that on 11<sup>th</sup> July, 2014 during a further inspection, an officer had found 6 x 1 litre and 2 x 70cl bottles of High Commissioner Whiskey and 6 x 1 litre bottles of Glens Vodka on the premises. It was noted that some of the bottles had been displayed on the shelving, the others had been discovered in the rear stock room. Again, the bottles had been seized as they had been displaying suspected counterfeit duty paid labels on the rear.

Mr King then reported that the manufacturers of the spirits, the Loch Lomond Group (formerly Glen Catrine) stated that "all of the bottles were genuine but had been produced with export back labels attached, i.e. the labels did not incorporate a UK Duty Stamp, as per the customer's instruction. The back labels on the bottles that had been seized were therefore counterfeit and had not been supplied by our company.

The bottles came from batches that had been despatched “under bond” i.e. without payment of excise duty and with the required HMRC removal warrants to our customer’s bonded warehouse. The export labels had therefore been removed at some point by the counterfeiters and counterfeit UK Duty Stamp back labels applied to avoid payment of excise duty.

The bottles would not be available through the normal secure supply chain and reputable Cash and Carry outlets and would have been obtained on the black market.”

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

Mr Patel then stated his case and in doing so indicated that he had 30 years experience in operating well managed establishments. He stated that he operated his current business in partnership with his brother, Mr Prakash Patel and that his brother had the responsibility of purchasing supplies for the premises. He indicated that he was very disappointed with his brother’s actions and that he had warned him not to purchase alcohol illegally in future. He apologised for his brother’s conduct and assured the Sub-Committee that it would not happen again.

In responding to a number of questions by the Sub-Committee, Mr Patel confirmed that it was Mr Prakash Patel that had purchased the illicit alcohol on three separate occasions, with no receipts being issued and indicated that he had prevented his brother from purchasing alcohol in future.

Mr Patel confirmed that he had reduced the hours he spent working at the premises and in responding to a question from a Member, indicated that it was very difficult to recognise counterfeit bottles on display.

Members expressed concern that, following the first incident on 7<sup>th</sup> October, 2011, when Trading Standards had issued a warning, two further incident had occurred on 18<sup>th</sup> August, 2012 and 27<sup>th</sup> June, 2014. In responding to a question from a Member in relation to the reason Mr Prakash Patel had continued purchasing counterfeit alcohol, despite his warning, Mr Patel indicated that his brother was probably “pocketing” the profit.

In view of the seriousness of the incidents, Members expressed concern that Mr Prakash Patel was not in attendance at the meeting. In responding, Mr Patel stated that he was the Licence Premises Holder and thought that he should attend alone.

Mr King indicated that during each seizure, Mr Patel had not been present at the premises. In responding to questions from Trading Standards, Mr Patel confirmed that he visited the wholesalers in the morning and worked between 4 and 5 hours per day during the afternoon. Mr Patel indicated that individuals did enter the premises attempting to sell products, however, his policy had always been to refuse any attempted sales.

In responding, Mr King indicated that he found it difficult to believe that Mr Patel had been ignorant to the fact that his brother had been purchasing and selling counterfeit alcohol at the premises.

Members expressed concern that Mr Patel had been unaware of his brother's conduct and queried whether there had been any discrepancies in the day to day accounts. The Sub-Committee was concerned that Mr Patel did not have adequate procedures in place for monitoring stock levels. In responding, Mr Patel confirmed that, although he had an accountant, he carried out the day to day accounts. He indicated that no discrepancies had been identified, however he did confirm that only a limited number of spirits were sold at the premises.

Responding to a question from Trading Standards, Mr Patel confirmed that Mr Prakash Patel did work at the premises unsupervised, however he no longer had the authority to purchase alcohol. In responding to a further question, Mr Patel confirmed the three named reputable suppliers he purchased stock from.

In responding to a further question from Trading Standards in relation to the second seizure which had occurred on 18<sup>th</sup> August, 2012, Mr Patel indicated that Mr Prakash Patel had informed him regarding the incident and action taken and again had warned him not to purchase alcohol in that manner. It was noted that only on the third occasion had Mr Patel taken the decision to prohibit Mr Prakash Patel from purchasing alcohol.

In responding to a question from the Legal representative, Mr Patel admitted that an employee rather than his brother would have been dismissed following the second incident.

Following further questions, the Sub-Committee was not confident that the premises would be managed differently in the future. It was reported that Mr Patel had persistently failed to manage the stock purchase in his store and suggested that Mr Patel be removed as Designated Premises Supervisor.

Mr Patel indicated that following the third incident, his son helped out at the premises and assured the Sub-Committee that he would do everything possible to avoid a similar incident occurring in future. Mr Patel reported that he owned the premises and stated that if Mr Prakash Patel was involved in a further incident, he would be dismissed.

In summing up, Mr King indicated that despite a warning being issued on 7<sup>th</sup> October, 2011, a further two seizures involving Mr Prakash Patel had occurred. He reported that he was very concerned that robust measures had not been put in place to prevent a further incident occurring and stated that if the issue was not tackled, it encouraged other establishments to conduct their business in that manner.

Mr Patel had no further comments.

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

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

Resolved

That, following careful consideration of the information presented at the meeting, the premises licence in respect of Days Newsagents and Stores, 32 Madeley Road, Kingswinford, be suspended for a period of two months.

#### Reasons for Decision

This is an application for a review of a premises license for Days Newsagent brought by Dudley Trading Standards under the ground of an alleged breach of the licensing objective to prevent crime and disorder.

The premises license holder is a Mr. Narendra Jerambhai Patel. He is also the Designated Premises Supervisor. Mr Patel attended today and confirmed that he was also the owner of the business. He has held the premises license since 19<sup>th</sup> December 2005.

The facts are that on 7<sup>th</sup> October 2011, a bottle of counterfeit vodka was seized from the store because the duty paid label was counterfeit.

On 18<sup>th</sup> August 2012, Trading Standards found 4 further bottles of Vodka with counterfeit duty labels and these were seized from the store. Mr Patel was informed on 27<sup>th</sup> June 2013 that the bottles were counterfeit and were to be destroyed.

On 11th July 2014, Trading Standards found a further 8 bottles of Whisky and 6 bottles of Vodka on the premises, all of which had counterfeit duty labels.

The evidence of Trading Standards is that the bottles could not have been bought through a secure supply chain and reputable cash and carry outlet. Mr Patel stated that he only became aware that his brother Mr Prakash Patel was buying this counterfeit alcohol from a van, when Trading Standards informed him in 2011. He spoke to his brother and told him that he should not purchase alcohol in this manner. Trading Standards then found further counterfeit alcohol in 2012, and again, he stated that he had strong words with him. Only on the third occasion did he prevent his brother buying alcohol, but he did not explain exactly how he was preventing his brother buying alcohol since his purchasing of the counterfeit alcohol was always covert, and Prakash Patel was probably “pocketing” the profit. He did state in his evidence that had this been an employee rather than his brother, he would probably have dismissed him on the second occasion. However, even after this third incident, his brother was still working in the shop. Mr Patel stated that he would now be making a careful check of stock in and out of the store.

The Sub-Committee finds that Mr Patel has not managed the sale of alcohol in a competent manner from his shop. After the first identification of counterfeit alcohol, he should have put in place far more robust procedures for managing the purchase and sale of alcohol. However the action he took did not prevent a second incident, and he apparently took no strong action to manage his brother, or monitor his stock purchase. Only on the third occasion had he stated that his brother would no longer have authority to buy alcohol, but since he was always buying it covertly, Mr. Patel's assertions did not give the Sub-Committee any confidence that the shop will be managed differently in this respect. He was still employing his brother despite three incidents. The Sub-Committee finds that Mr Patel has persistently failed to manage the stock purchase in his store over at least 3-4 years and therefore takes the step of removing him as the Designated Premises Supervisor for the premises.



Further the Sub-Committee is not satisfied that the store is currently being managed appropriately, or that the concerns of Trading Standards have been taken seriously and acted upon. The Sub-Committee therefore suspends the premises license for a period of 2 months in order to ensure that the premises are managed appropriately in the future, and that Mr Patel recognises the seriousness of purchasing counterfeit alcohol for sale in the shop. The Sub-Committee also takes the step of attaching the two conditions below recommended by Trading Standards which will ensure alcohol is purchased from a legitimate source and receipts are retained.

#### Conditions

- (1) All alcohol purchased for sale on the premises must only be purchased from a recognised, reputable and traceable wholesaler.
- (2) All alcohol purchased for sale on the premises must be covered by a receipt. The receipt will be on headed notepaper bearing the name, address and contact number of the supplier together with their VAT and company registration number where appropriate. These receipts will be kept in a file for a minimum of 2 years and must be made available for inspection, on demand, by an officer of a responsible authority.

Mr Patel was informed of his right to appeal the decision of the Sub-Committee

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11      **Application for House to House Collections Licence – Action for Blind People / National Deaf Children’s Society / Action for Hearing Loss – Personal Fundraising Services**

A report of the Director of Corporate Resources was submitted on an application for the grant of a House to House Collection Licence made by Mr Thomas Vaughan, of Personal Fundraising Services on behalf of the charities known as Action for Blind People / National Deaf Children’s Society / Action for Hearing Loss.

Mr Vaughan, applicant, was not in attendance at the meeting and reasons for his non-attendance had not been given.

Arising from consideration of the information submitted, the Sub-Committee decided to proceed in the applicant’s absence.

Resolved

That, following consideration of the information, the application submitted for the grant of a House to House Collection Licence made by Mr Thomas Vaughan, of Personal Fundraising Services on behalf of the charities known as Action for Blind People / National Deaf Children's Society / Action for Hearing Loss, be refused on the grounds that insufficient information had been provided under paragraph 10f of the report submitted, to enable the Sub-Committee to determine whether the proportion of money to be applied for charitable purposes was adequate.

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The meeting ended at 11.30am.

CHAIR

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

**Tuesday 9<sup>th</sup> December, 2014 at 10.35 am**  
**in the Council Chamber, The Council House, Dudley**

### **Present:-**

Councillor D Russell (Chair)  
Councillors C Perks and E Taylor

### **Officers:-**

R Clark (Legal Advisor), M Hanson (Licensing Clerk), B Hughes (Licensing Enforcement Officer) and K Buckle (Democratic Services Officer) – All Directorate of Corporate Resources and D McNaulty (Manager) – Directorate of Public Health.

### **Also in Attendance:-**

PC A Baldwin and PC S Cheema – West Midlands Police, A Evans – Counsel for West Midlands Police and N Aston-Baugh – Fire Safety Officer, West Midlands Fire Service.

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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 of the Sub-Committee held on 25<sup>th</sup> November, 2014, be approved as a correct record and signed.

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#### 14      **Application for Expedited Licence Review – PULSE Nightclub, Brierley Hill**

A report of the Director of Corporate Resources was submitted on the expedited licence review in respect of the premises Licence for PULSE, 17 Dudley Road, Brierley Hill. DY5 1HA.

The Chair advised that Mr Simpson the Designated Licence Holder of PULSE Nightclub had surrendered his Licence today however, the Licence could be revived by an Application to Transfer by any interested party within 28 days from the date of surrender. The Chair invited Counsel for West Midlands Police to make representations.

Counsel for West Midlands Police advised of the unusual situation relating to the expedited review which had arisen from the fact that the Police had serious concerns that there was a risk of serious injury or fatality should the premises Licence not be revoked. Counsel referred to the surrender of the Licence which had resulted in the Licence lapsing, however advising that the Licence could be revived should an interested party make an application for transfer with interim immediate effect within 28 days from the date of surrender.

Given the unusual situation Counsel advised that it was unclear whether the Sub-Committee were bound to deal with the review hearing today, as Section 53(a) to (c) of the Licensing Act 2004 was silent on the point as to whether a surrendered licence would have to be reviewed within 28 days from the date of the original suspension of the premises licence.

Counsel requested the Sub-Committee to order that the interim steps remain in force for a further 28 days as the original intent of the Sub-Committee was that the premises remain closed until a review was held.

In responding to a question from the Legal Advisor, Counsel advised that there were concerns in relation to the period between the Licensing Authority transferring the Licence to an interested party with immediate effect and the Police becoming aware that the transfer had taken place and taking any action.

Counsel referred to the close association of the Pulse Night Club with serious organised crime, the four reported incidents during the year and incidents ranging from disorder to stabbings. There were also concerns that in relation to the culmination of events on 2<sup>nd</sup> November, 2014 there had been an element of certain clientele on the premises who were positively associated with three of the gangs who were associated with serious organised crime within the West Midlands. It was noted that the Police had serious concerns that should the Pulse Nightclub continue to operate this would result in a fatality.

Counsel advised that the Pulse Nightclub was tainted with organised crime and fear with the premises being known to have a tolerance with organised gang members and it was therefore important that the premises had a reasonable break in trading.

In responding to a question from a Member, Counsel stated that although it could not be pinpointed as to which particular gangs attended particular Urban events when those events occurred they were attended by those relatives or friends affiliated with various gangs and in addition to being fuelled with alcohol that had culminated in serious violence and harm being inflicted and the only method of controlling those problems would be for the premises owner to have zero tolerance.

Counsel advised that the closed circuit television at the premises had not been in operation since July, 2014 and staff at the premises had failed to assist the Police with their investigations in relation to the incidents of violence at the premises which had impacted on securing convictions of the perpetrators.

In responding to a question relating to capacity, PC A Baldwin stated that the Pulse Nightclub had a capacity of 1200 people. The Fire Safety Officer, West Midlands Fire Service added that for the purposes of fire safety this was controlled under the occupiers own fire safety risk assessment and it was believed that fire officers had previously attended the premises and expressed concerns in relation to fire safety and as a result of that a consultation was continuing regarding reducing the capacity of the premises.

Photographs of the interior of the premises were circulated to Members in order to illustrate the fire risks which had raised concerns.

A Member requested details of the images captured outside the Pulse Nightclub on 2<sup>nd</sup> November, 2014 and PC S Cheema advised that as investigations in relation to the incident were ongoing these could be viewed by Members in private and confirmed that the images had captured the post events and parts of the incident which occurred outside the Nightclub on the opposite side of the road.

Mr B Hughes, Licensing Enforcement Officer advised that Licensing strongly supported the Police advising that the conditions of the Pulse Nightclub Licence had been breached and that a robust, strong management team were required at the premises.

Counsel advised that there had been six conditions of Licence breached and that this was the second review of Licence in relation to the premises as there had been historic problems at the premises and Mr Simpson the now former premises licence holder had been aware of the historical problems.

Mr B Hughes, Licensing Enforcement Officer advised that the Security Watchdog had grave concerns in relation to the security firm who had been employed at the premises as none were SIA registered staff and PC A Baldwin advised that there would be a full investigation of the Company who provided the security staff at the Pulse Nightclub.

Counsel advised that the Sub-Committee were being requested to revoke the Premises Licence and confirm that the interim step taken in relation to the now surrendered licence remain in force for a further 28 days or until the conclusion of any appeal against the decision to allow the interim step to continue to take effect, upon the basis of all of the representations made today both those which were historic and those incidents which had occurred whilst Mr Simpson was the Premises Licence holder, in order to prevent the risk of further crime and disorder.

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

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

Resolved

That, following careful consideration of the information presented at the meeting,

- (1) The premises licence in respect of the Pulse Nightclub, 17 Dudley Road, Brierley Hill be revoked with immediate effect.
- (2) The the suspension of the now surrendered Licence shall remain in force for a further 28 days or until the conclusion of any appeal against the decision to allow the interim step to continue to take effect.

#### Reasons for Decision

This is an expedited review of the Premises License of the Pulse Nightclub, Brierley Hill, brought by the West Midlands Police. The Licensing Authority convened a meeting on 14<sup>th</sup> November to consider whether it was necessary to take any interim steps prior to the full review, in order to promote any of the licensing objectives. It took the step of suspending the license, and this step was appealed by the Premises License Holder at a hearing on 19<sup>th</sup> November. The sub-committee heard evidence from the Premises Licence Holder and decided to uphold the interim step. However, this is a full review, with new and full evidence and the sub-committee recognises that this is a very different hearing to the meeting that considered the need for any interim steps.

The Sub-committee learned this morning that Mr. Simpson the Premises Licence Holder had surrendered the Premises Licence this morning by handing it to the Licensing Authority, and having communicated that he intended to do this by e mail on 8<sup>th</sup> December 2014.

Therefore, since the Premises Licence has been surrendered today, the sub-committee has to decide whether it has to or should continue with the review. The statute states that a review must take place within 28 days, but does not make it clear what the process should be in the circumstances of the Premises Licence being surrendered. The Sub-committee therefore concludes that it must proceed with the review of the premises licence today. Mr. Simpson has not attended, believing that having surrendered his licence, he has no further role to play in the review.

The Sub-committee is satisfied that the Pulse Nightclub has gained a reputation for gang affiliated crime, and as a club that tolerates gang activity and serious crime. The police evidence is that there have been four serious incidents of crime there in the last year, including a shooting which is being pursued through the courts and the double stabbing on 2/11/14, which also saw a man assaulted with a glass and further assaults. This reputation goes beyond the specific management of the premises by the previous Premises Licence Holder Mr. Simpson, and it is clear that the club itself has gained a reputation which attracts members from at least three major gangs based outside Dudley, and has become a venue for violence and serious crime. For these reasons, the sub-committee revokes the premises licence today. It does this on the basis that it believes that it must hold this review despite the fact that the premises licence has been surrendered. There is a right of appeal from this decision, which must be exercised within 21 days.

The sub-committee also considers the position of the licence in the event that it should not have proceeded to review a surrendered premises licence. It is mindful that an application for transfer of a surrendered licence can be made by an interested party. In the light of the findings made about the reputation of the nightclub for serious gang related crime and disorder, the sub-committee confirms that the interim step taken in relation to the now surrendered licence (its suspension) shall remain in force for a further 28 days or until the conclusion of any appeal against the decision to allow the interim step to continue to take effect.

The meeting ended at 12.10pm.

CHAIR

LSBC1/21

### **Minutes of Licensing Sub-Committee 3**

**Tuesday 13<sup>th</sup> January, 2015 at 10.00 am**  
**in the Council Chamber, The Council House, Dudley**

#### **Present:-**

Councillor J Cowell (Chair)  
Councillors K Finch and A Taylor

#### **Officers:-**

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

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24      **Apology for Absence**

An apology for absence from the meeting was received on behalf of Councillor E Taylor.

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25      **Appointment of Substitute Member**

It was reported that Councillor K Finch had been appointed as a substitute Member for Councillor E Taylor for this meeting of the Sub-Committee only.

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26      **Declarations of Interest**

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

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27      **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 16<sup>th</sup> October, 2014, be approved as a correct record and signed.

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**Application for a Premises Licence – Valhalla Club, Unit 2, 100 Dock Lane, Dudley**

A report of the Director of Corporate Resources was submitted on an application for a premises licence in respect of Valhalla Club, Unit 2, 100 Dock Lane, Dudley.

Mr C Thomason, proposed Designated Premises Supervisor was in attendance at the meeting.

Also in attendance were Councillor M Roberts, observing and a representative from the local press.

Following introductions, Members raised concern that the applicant was not in attendance at the meeting. In responding to questions from Members, Mr Thomason confirmed that he was the partner of the applicant and that she had been unable to attend the meeting due to work commitments. He stated that he had contacted the Licensing Office on 12<sup>th</sup> January, 2015 at 10.00am to inform them of the position. Mrs Rouse indicated that she had been out of the office on that day and had not received Mr Thomason's message. Mr Thomason confirmed that his partner was aware that he was in attendance at the meeting and had authorised him to represent her.

The Sub-Committee, still not confident in proceeding in the absence of the applicant, requested that Mrs Rouse contact the applicant, at work, to confirm the position regarding Mr Thomason's attendance. Mr Thomason indicated that he and his partner had been managing the business together for 7 years, however, due to him recovering from a recent heart attack, his partner had taken on further responsibilities.

The parties then withdrew from the meeting in order for Mrs Rouse to make a telephone call to the applicant. It was noted that Mrs Rouse had been unable to contact the applicant as the telephone number given had been going through to voice mail.

The Sub-Committee invited the parties to return. The Sub-Committee, having considered the information given decided to proceed in the absence of the applicant.

The Licensing Clerk presented the report on behalf of the Council. It was noted that a petition containing 71 signatories had been received objecting to the application. It was also noted that a representation in support of the application had been received.

Mr Thomason then presented his case and in doing so, indicated that he had been involved in managing various club and pub establishments in Birmingham for fifteen years. He confirmed that he had been running the Valhalla Club as a private members club successfully for seven years without any complaints being received. He indicated that the premises were situated in an industrial area, which was screened from sight from the main road, an area away from residential housing and very discreet, which in Mr Thomason's opinion, was an ideal location for the type of premises they operated. He stated that the privacy of the club was very important and indicated that there were no ground floor windows at the premises and therefore no possibility of residents or young children catching a glimpse of the interior of the premises. He also indicated that the premises had a private car park with 27 spaces available. Mr Thomason stated that the vast majority of members were over 35 years of age and the membership included councillors, council officers, police, nurses and doctors.

Mr Thomason reported that the Police had inspected the premises on Friday 9<sup>th</sup> January, 2015 and had no issues or concerns regarding the premises. He further stated that there had been no history of complaints from the Police as many people did not know the premises existed.

In concluding, Mr Thomason indicated that the premises allowed people to be themselves in a safe environment without the fear of judgement.

In responding to questions, Mr Thomason indicated that their previous premises had been Flair Studios in Wolverhampton Street, which had not been licensed for the sale of alcohol as he stated that only light refreshments such as tea and coffee were available to purchase. He indicated that the main reason for applying for a premises licence was that members would have the option to purchase alcohol and the extra proceeds would help to finance the new premises.

In responding to a question, Mr Thomason indicated that he did not intend to fully utilise the licensing hours for the sale of alcohol and regulated entertainment applied for, however, he had been advised to apply for all aspects of entertainment as he wished to retain flexibility for occasions and instances where it would be commercially viable to remain open. Mr Thomason indicated that a number of different interest groups used the venue with activities such as burlesque, fetish and operatic performances. He further stated the "Rocker" and "Goth" groups also used the venue and anticipated that one evening per month of entertainment would take place at the premises for each different interest group.

In responding to a further question, Mr Thomason confirmed that discussions had previously taken place with the Police and the main reason for operating a private members club was so that any undesirable groups could be refused entry to the premises. Mr Thomason reported that the premises were professionally operated with very strict limits on what activities were allowed. He stated that they had a professional club committee comprising a diverse membership to discuss and agree on the running and management of the establishment.

Mr Thomason confirmed that CCTV was in operation at all times inside and outside of the premises and stated that advice had been sought from Environmental Health on sufficient wording for various signs that were currently on display. In responding to a question, Mr Thomason confirmed the wording of all the different signs that had been erected inside the premises. Mr Thomason emphasised that external signage advertising the club was not permitted.

In responding to a question, Mr Thomason indicated that due to the diverse interest from groups, the average number of members was in the region of 14 at any one event.

In responding to further questions, Mr Thomason confirmed that he had resided in the Dudley Borough for ten years and was not aware of any school in the close vicinity of the premises. He indicated that he had been decorating the premises since December 2014 and during that time he had not witnessed any young people walking past the premises.

In responding to further questions from the Sub-Committee, Mr Thomason explained the exact location of the premises. He acknowledged the location of nearby commercial premises, however assured the Sub-Committee that the Valhalla Club was not next to or adjacent to any of the buildings and re-iterated that the premises was screened from sight from the main road.

Mr Thomason then circulated photographs of the premises and explained the layout of the interior of the venue. In responding to a question from the Sub-Committee, he indicated that sound checks had been carried out and confirmed that music could not be heard from the main road.

In summing up, Mr Thomason stated that he had managed successful businesses for a number of years and assured the Sub-Committee that he wanted to work with Dudley Metropolitan Borough, residents and the police as he was committed to making the premises a success.

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

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

Resolved

That the grant of a premises licence in respect Valhalla Club, Unit 2, 100 Dock Lane, Dudley, be approved, in the following terms:-

Sale of Alcohol

Monday – Thursday (inclusive)	12.00 – 23.30
Friday and Saturday	12.00 – 02.30
Sunday	12.00 – 22.30

Regulated Entertainment (Films/Live Music/Recorded Music/Dance)

Monday – Thursday (inclusive)	12.00 – 24.00
Friday and Saturday	12.00 – 03.00
Sunday	12.00 – 23.00

Halloween (31<sup>st</sup> October) until 04.00  
Valentines (14<sup>th</sup> February) until 04.00  
Christmas Eve and New Years Eve until 04.00

Reasons for decision

This is an application for the grant of a Premise License, for premises at Unit 2, 100 Dock Lane Dudley.

The operating schedule seeks a license to sell alcohol between 12 midday and 11.30pm Monday to Thursday, to 2.30am Friday and Saturday and to 10.30pm on a Sunday.

It also seeks regulated entertainment (Films/live music/recorded music and dance) until midnight Monday to Thursday, 3.00am Friday and Saturday and 11pm on a Sunday.

There have been no representations by Responsible Authorities to the application, but local residents and others have made representations in the form of a petition. The Sub-Committee has noted the identified lead signatory. Nobody attended today to speak on behalf of the petition.

The Applicant Ms Hutchinson did not attend today (being at work), but her partner Mr Thomason did attend, and stated that he had full authority to present the application. He stated that he was a Personal License holder, was the proposed Designated Premises Supervisor for the premises, and that he would have made the application himself had his health been better in the recent past. The Sub-Committee decided to proceed today in the absence of the applicant on the basis of the submissions made by Mr Thomason.

The Sub-Committee grants the application for a premises license today. The premises is situated in an industrial area, well away from housing, and the Sub-Committee has heard no evidence that children or young persons would be affected by the license being granted. The operating schedule and the evidence today has satisfied the Sub-Committee that the premises will be run very discreetly, that there will be no external signage and that the internal signage will encourage patrons to respect any local residents when they leave. These signs are already in place. There are no ground floor windows to the premises and the unit is screened from the main road by another unit.

The granting of this license will not adversely affect any of the licensing objectives.

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**Application for the grant of a Street Collection Permit –  
Innerspace Concession Management Ltd (Unique Fundraising on  
behalf of Cats Protection)**

A report of the Director of Corporate Resources was submitted on an application for the grant of a Street Collection Permit made by Mr David Wylie of Innerspace Concession Management Ltd on behalf of Unique Fundraising for the benefit of the charity known as Cats Protection.

Mr Wylie, applicant, was not in attendance at the meeting due to the travelling distance to Dudley Metropolitan Borough Council.

Arising from consideration of the information submitted, the Sub-Committee decided to proceed in the applicant's absence.

Resolved

That, following consideration of the information, the application submitted for the grant of a Street Collection Permit made by Mr David Wylie of Innerspace Concession Management Ltd on behalf of Unique Fundraising for the benefit of the charity known as Cats Protection, be refused on the grounds that the information provided in support of the application gave rise to a number of questions and concerns, which could not be answered.

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The meeting ended at 11.45 am.

CHAIR

## **Minutes of the Licensing Sub-Committee 4**

**Tuesday 16<sup>th</sup> December, 2014 at 10.00 am**  
**in the Council Chamber, The Council House, Dudley**

### **Present:-**

Councillor M Roberts (Chair)  
Councillors D Hemingsley and E Taylor

### **Officers:-**

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

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#### 13      **Apology for Absence**

An apology for absence from the meeting was received on behalf of  
Councillor H Turner.

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#### 14      **Appointment of Substitute Member**

It was reported that Councillor E Taylor had been appointed as  
substitute Member for Councillor H Turner for this meeting of the Sub-  
Committee only.

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#### 15      **Declarations of Interest**

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

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#### 16      **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 2<sup>nd</sup>  
September, 2014, be approved as a correct record and signed.

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**Application to Vary a Premises Licence – The Swan, Stream Road, Kingswinford.**

A report of the Director of Corporate Resources was submitted on an application for variation of the premises licence in respect of the premises known as The Swan, Stream Road, Kingswinford.

Michelle Hazlewood – John Gaunt & Partners (Solicitors) representing Marstons PLC, Steve Castle – Area Manager, Marstons PLC, Vince O’Sullivan, Premises Licence Holder, were in attendance at the meeting.

Also in attendance were Mr Glews, Environmental Protection Manager, Directorate of the Urban Environment and six local residents who were objecting to the application.

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

Mr Glews then presented the representations of Environmental Safety and Health and in doing so highlighted concerns regarding the potential for noise nuisance.

The premises was currently licensed for late night refreshment from 23:00 to 5:00 Monday to Saturday and the sale of alcohol from 9:00 to 00:00 Sunday to Thursday and 9:00 to 1:00 Fridays and Saturdays. The application submitted related to significant refurbishment of the internal and external areas of the premises, including additional seating booths for dining purposes, re-landscaping and an improved children’s play area. A new external smoking deck area would also be constructed to the rear of the premises. It was noted that the premises was situated on Stream Road between Kingswinford and Wordsley and whilst Stream Road was a busy main road, the area surrounding the premises was residential with most properties being within 20 metres of the premises.

It was reported that whilst the variation did not request a change in the hours or types of licensed activity at the premises, the variation requested that the external areas of the premises were licensed for the retail sale of alcohol and late night refreshment alongside the operation of the interior of the premises.

Concerns were raised by Environmental Safety and Health regarding the potential noise nuisance caused by customers using the rear smoking deck area and the front external patio area adjacent to Stream Road for consumption until 1am.



Mr Glews further reported that prior to the application two complaints had been received regarding noise from the premises in recent years, in particular, a local resident complained in June, 2013, regarding noise from loud music, customers singing and the showing of a football match, alleging that doors at the premises were being left open and in May 2012, a local resident complained about noise from external speakers at the premises.

In concluding, Mr Glews requested that the Sub-Committee consider restricting the hours of use of the front external patio area and children's play area to 10.30pm, as the reduction of road noise from traffic diminishes at that time, and the close proximity to residential properties and, in addition, consider applying the following conditions on the grounds of preventing public nuisance:

- Signage to be prominently displayed on the smoking area of the premises, requesting that customers respect the local residents by keeping noise levels to a minimum while using the smoking area;
- No regulated entertainment is to be take place in outdoor areas;
- The doors and windows of the premises to be closed during regulated entertainment, except for access and egress;
- Signage to be prominently displayed at exits, requesting that customers respect local residents by leaving in a quiet manner.

In responding to a question by Ms Hazlewood relating to the request to restrict the hours of use of external areas to 22:30 hours, as 23:00 hours would be regarded as the hour when background traffic noise diminishes, Mr Glews confirmed that from experience, road noise on Stream Road started to diminish around 19.30 hours and therefore, due to the character of the area and the close proximity of residential properties to the premises, 22:30 hours seemed a reasonable time to restrict the use of external areas.

In responding to a further question by Ms Hazlewood in relation to the number of previous complaints received relating to the premises, Mr Glews confirmed that from the small number of complaints that had been received, it appeared that the premises did not constitute a problem area.

The residents were then invited to present their concerns to the Sub-Committee to which Ms Hazelwood confirmed that she would address the concerns raised in her submission.

Concerns raised by local residents included:

- patrons leaving the premises screaming and shouting;
- excessive noise from patrons using the external smoking area;
- litter left in residents gardens; patrons urinating in and on residents' properties;
- vomit found in residents' gardens; excessive shouting and arguing from patrons on the car park when leaving the premises;
- a person was found asleep in a resident's garden;
- damage caused to a resident's car from an object having been thrown from the premises;
- damage caused to a resident's property from a glass having been thrown through a window;
- a gang of youths brawling outside a resident's property;
- vodka bottles and glasses left on residents' properties;
- children playing outside the premises running around, screaming and shouting;
- headlights and noise from cars and taxis leaving the premises;
- proposal to install a table tennis table outside the premises will create more noise nuisance;
- the legality of the application since some residents had not been consulted and work has already been undertaken.

It was reported that residents feared that the issues that were already in existence would be exacerbated by the proposal to extend the external area of the premises for eating and drinking, and would encourage patrons from other nearby establishments whose licensing hours were restricted, to attend the Swan to continue drinking and would therefore not encourage the premises to be a family friendly eating establishment as proposed. The residents stated that they knew the Licensee and used the premises, commenting that he was a good landlord but feared that he would be pressurised to conform to the brewery's wishes.

A resident specifically referred to a meeting that had taken place with Marstons and the Licensee regarding noise nuisance at the front of the premises and external speakers and stated how disappointment they were that Marstons had not responded to residents to address these concerns. In responding, Mr Castle reported that some issues had been addressed by the brewery, including the felling of some trees that had been used by youths to climb and the installation of a picket fence around the premises to stop patrons sitting on a resident's wall. In reply, a resident confirmed that a picket fence had been erected but not until after an object had been thrown from the premises which had damaged her car.

In response to the claim stated by the objectors that the correct procedure had not been followed in relation to the notification of the application, the Legal Advisor advised that the Licensing Department were happy that the procedure had been followed correctly and advised the Sub-Committee accordingly.

Ms Hazelwood then presented her submission stating that the application submitted by Marstons was to refurbish a strong community public house that was in need of a new lease of life. It appeared that concerns raised by residents related to the external area and proposed changes, and not to the internal of the premises.

It was reported that the premises had operated as a hotel and at the time were permitted to supply late night refreshments until 05:00 hours to residents only, however, the premises no longer had letting accommodation and therefore, an application had been made to reduce the hours permitted for late night refreshment to mirror the standard hours of operation for the provision of hot food and hot drinks until 12 midnight Sunday to Thursday and 01:00 hours Friday and Saturdays. She continued by stating that it was never the intention of the brewery to create a late night kebab style provision for food.

Reference was made to the plan that had been previously circulated to members, and Ms Hazelwood highlighted the proposed changes which addressed some concerns raised by residents, including moving the historic entry point away from a resident's property to create a new pagoda style entrance which should also deter smokers from congregating at this point; improving the play-area and providing a table tennis facility to occupy children in the afternoons; to provide a smoking area at the back of the premises adjacent to the bar area in a contained space away from residents' properties.

Following concerns raised regarding the beer garden, it was noted that the garden had always been licensed and the intention was to increase food orders, especially tea/coffee and cakes, which would be served by waitresses so patrons' behaviour outside the premises would be supervised and dealt with accordingly. It was not intended to provide a late night take-away food venue.

Following concerns raised regarding external speakers, it was reported that the speakers were to provide background music only and not for entertainment purposes and the proposal were to turn off the speakers at 8.00pm.

Following allegations of anti-social behaviour of patrons and crime and disorder, Ms Hazlewood stated that there had been no interaction with the Police, however the brewery noted the allegation raised regarding people leaving bottles, glasses and rubbish on the premises and local residents' properties but this activity cannot all be attributed to patrons of the premises and is often left by people migrating from the nearby town. However, the brewery acknowledged some noise disturbance, especially when patrons left the premises, and signs had been installed for patrons to respect local residents and keep noise levels to a minimum. The use of external speakers had been restricted, and the majority of doors had self-closers and doors and windows remained closed.

In conclusion, Ms Hazlewood stated that the Swan was known as a good community public house, with a well respected and strong Landlord and there was evidence that the brewery had listened to previous residents' concerns and concerns regarding the new proposals and had already addressed some issues.

In responding to a question raised by a Member regarding the substantial increase in the dining facility outside to potentially accommodate 100 diners, and that the later opening hours was likely to attract drinkers from other establishments to drink at the Swan rather than purchase food and, therefore likely to increase noise levels and attract disorderly customers; the Licensee responded that at present, profits decreased between 11.00pm and mid-night and he did not envisage an increase in later diners and that it was his intention to remove several of the benches outside between the months of October and May. The Licensee stated that he had always taken a strong stance against disorderly customers and was happy to turn them away from the premises and was supported by a strong team who undertook regular training on conflict management. He was also agreeable to enforce the proposal to turn off external speakers at 8.00pm as suggested.

In summing up, Mr Glews confirmed that although there had only been a small number of complaints recorded previously with regards to noise nuisance from the premises, he requested that the Sub-Committee consider restricting the hours of use of the front external patio area and children's play area to 10.30pm as it was their opinion that the significant increase in dining facilities to the external area of the premises was likely to cause noise nuisance due to the character of the neighbourhood and their proximity to residential properties and in addition, consider also applying the conditions as stated in the report previously reported.

In summing up, residents requested that the Sub-Committee consider the impact the potential increase in noise nuisance would have and requested that the external usage be restricted as they strongly believed that use of the external areas until 1.00am would be too late and would significantly affect their quality of life.

In summing up, Ms Hazlewood, on behalf of the applicants advised that the intention was to refurbish the premises and license the external activities for the sale of alcohol and late night refreshments to the same hours already in operation in the internal of the premises. Should the license for the outside activities were to be refused, the beer garden would continue as at present. The brewery accepted that 23:30 hours in the week would allow sufficient time to disperse patrons safely from the premises, and that the Licensee was a good strong manager who was prepared to take a strong stance with disorderly patrons and be supported by a good team who were trained to deal with conflict and confirmed the breweries willingness to work with local residents demonstrated by the areas of concern that had already been addressed. Reference was made to guidance relating to the role of the Police, and the non- attendance of Police representation at this meeting.

In responding to a question by the Chair, all parties confirmed that they had been given ample opportunity to present their cases.

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

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

Resolved

That, subject to the below conditions being applied to the premises licence, the application for the variation of the premises licence in respect of The Swan, Stream Road, Kingswinford, be approved.

## REASONS FOR DECISION

This is an application for a variation of the premises license for The Swan, Kingswinford.

The premises have undergone significant refurbishment, to increase dining space, and to refurbish the external patio at the front of the premises with a play area and seating. A license is sought for this area for alcohol and late night refreshment. The rear smoking area has also been refurbished, and the license is sought to permit alcohol and late night refreshment also.

Essentially, a license was sought to permit the consumption of alcohol and late night refreshment outside between 12 mid day and midnight Sunday to Thursday and until 1am Friday to Saturday.

12 local residents have made representations about what they perceived to be an application to allow consumption of food and alcohol until 5am. Marstons confirmed that this is not what is sought, and the hours sought are those set out above.

However, only two of the local residents have withdrawn their representations in the light of clarification provided by Marstons. 10 residents have maintained their objections to the increased use of the external areas for late night refreshment and alcohol, even with the concession made by Marstons during the committee to reduce the external hours to 11.30pm, seven days a week.

Environmental Health (Department of Urban Environment) has also made a representation based on noise nuisance, past and potential, and asks the committee to limit the consumption of food and alcohol in all external areas until 10.30pm on all days. It also expressed some concern about external speakers, which Marstons states will be for background music only and turned off externally at 8pm. The Environmental Health officer accepted that this is appropriate and helpful to local residents.

Having heard the significant concerns of the residents about the noise and anti social behaviour in the area, the committee cannot attribute all of their concerns to these premises. It is not clear that all of the noise, empty alcohol bottles, urinating, vomiting and fighting can be attributed to these premises. Some, such as vodka bottles in the car park and gardens, do not come from these premises. However, the residents are clear that some of the noise does come from users of the pub, in that they live very near and have been able to hear this. Some concerns have been reported to the brewery directly and some concerns have been addressed to the manager informally. There is evidence that the brewery has responded to local concerns, albeit that the residents say it has been too slow. However, the Sub-Committee does find that by significantly increasing the space of the external area, the noise nuisance that has occurred from people using the premises, will be very likely to increase. The Sub-Committee notes that this is a residential area, and that there are many houses within very close proximity of The Swan.

The resident's evidence is that they have heard people arguing and shouting in the Swan car park, which is clearly attributable to the premises. More residents assert that persons or groups of persons coming from The Swan have urinated in their gardens/doorways and make significant noise when leaving. The committee accepts that they live close enough to the premises to be able to identify that some of the anti social behaviour does come from The Swan. Whilst the Premises License Holder may not be responsible for behaviour away from the premises, the extension of the use of the external area is highly likely to cause this noise and behaviour to continue in that external area.

The Sub-Committee therefore agrees with the submissions made by the officer from Environmental Health in terms of the noise and nuisance concerns, but finds that 11pm is an appropriate time for the provision of external late night refreshment and alcohol, seven days a week. This is proportionate to the concerns. This time would address the concerns that persons might come from other premises that cease to sell alcohol at 11pm, and then travel to the Swan and drink outside.

In terms of conditions, the Sub-Committee accepts the four conditions put forward by environmental services, except that there should also be signs stating that the premises operate a no tolerance policy of abusive behaviour toward bar staff.

Additionally, further conditions have been accepted by Marstons that all external doors should be self closing, except those which cannot be for child safety reasons and that external speakers should be turned off by 8pm seven days a week. These will become conditions of the premises license also.

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### **Midland Super Cream**

A report of the Director of Corporate Resources was submitted on an application for the renewal of the consent issued to Midlands Super Cream to engage in street trading in Stourbridge Town Centre.

Mr F Calleia, applicant, was in attendance at the meeting.

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

It was noted that there were no objectors in attendance at the meeting, therefore Mr Calleia then presented his case.

Resolved

That the application for the renewal of the consent issued to Midlands Super Cream to engage in street trading in Stourbridge Town Centre, be approved.

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The meeting ended at 1.20pm.



## **Minutes of the Licensing Sub-Committee 4**

**Tuesday 20<sup>th</sup> January, 2015 at 10.00 am**  
**in the Council Chamber, The Council House, Dudley**

### **Present:-**

Councillors J Cowell, D Hemingsley and H Turner

### **Officers:-**

R Clark (Legal Advisor), B Hughes (Licensing Enforcement Officer) and K Taylor (Democratic Services Officer) – All Directorate of Resources and Transformation.

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#### 19      **Election of Chair**

In the absence of the Chair (Councillor M Roberts) it was

Resolved

That Councillor Cowell be elected Chair for this meeting of the Sub-Committee only.

(Councillor Cowell in the Chair)

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#### 20      **Apology for Absence**

An apology for absence from the meeting was received on behalf of Councillor M Roberts.

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#### 21      **Appointment of Substitute Member**

It was reported that Councillor J Cowell had been appointed as substitute Member for Councillor M Roberts for this meeting of the Sub-Committee only.

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#### 22      **Declarations of Interest**

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

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23      **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 16<sup>th</sup> December, 2014, be approved as a correct record and signed.

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24      **Application for a Licensed Premises Gaming Machine Permit – The Bostin Fittle, Tipton Road, Dudley.**

It was noted that this item had been withdrawn by the applicant prior to the meeting.

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25      **Application for Review of Premises Licence – One Stop (Previously Bridge General Stores) 42 Bridge Street, Coseley**

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of One Stop (Previously Bridge General Stores) 42 Bridge Street, Coseley.

Mr R Thirugnanasampanthan (Premises Licence Holder and Designated Premises Supervisor) was in attendance at the meeting.

Also in attendance were C King, Principal Trading Standards Officer, and G Wintrip, Age Restricted Products Enforcement Officer, (Both Directorate of Environment, Economy and Housing); and WPC Cheema and J Willers, West Midlands Police.

Following introductions, the Licensing Enforcement Officer presented the report on behalf of the Council.

Mr C King then presented the representations of Trading Standards and in doing so highlighted that the grounds of the review had been based on the serious undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm due to the poor management of the premises following the underage sale of alcohol.

Mr King informed the Sub-Committee that on 12<sup>th</sup> September, 2014, a fifteen year old male was sold alcohol from the premises, and again on 26<sup>th</sup> September, 2014, the same male was sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives.

On 15<sup>th</sup> April, 2013, an officer from Trading Standards carried out a visit to the premises and spoke to Mr Thirugnanasampanthan. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, and Mr Thirugnanasampanthan was given detailed advice including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Thirugnanasampanthan was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card. He was also requested to ensure that it was brought to the attention of all staff to ensure they were aware of their obligations under the Licensing Act 2003; Mr Thirugnanasampanthan also signed an ARP form 0847 to acknowledge receipt of the information pack during the visit.

It was noted that on 26<sup>th</sup> June, 2013, an alcohol test purchase exercise had been undertaken at the premises which did not result in a sale being made.

It was further noted that on 8<sup>th</sup> August, 2014, a yearly advisory visit was undertaken at the premises, and the visiting officer spoke to Mr Thirugnanasampanthan who was again present. Further advice was given relating to the law concerning the sale of age restricted products. Mr Thirugnanasampanthan also signed an ARP form 1200 to acknowledge that the visit had taken place.

Mr King further stated that at 17:30 hrs on Friday 26<sup>th</sup> September, 2014, WPC Berry was on uniform patrol in Bridge Street, Coseley, and witnessed a fifteen year old male who she recognised outside the One Stop shop in Bridge Street. WPC Berry located the male nearby and whilst questioning the male admitted to purchasing four cans of Carlsberg lager, two cans of Carling lager and three cans of Strongbow cider. It was noted that the male also admitted that he had purchased alcohol from the premises on 12<sup>th</sup> September, 2014, and on neither occasion had he been asked to produce identification.

Following the sale, and having visited the premises, it was discovered that the individual who sold the alcohol to the male had been a Mr R Lamir, who admitted selling the alcohol to the male and that he did not request identification.

It was reported that WPC Berry visited the premises later the same day and spoke to Mr Thirugnanasampanthan, and when he was informed of the sale he stated "Please don't report me, this won't happen again but please don't report me".

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

WPC Cheema then presented the representations of West Midlands Police and WPC Berry's witness statement, and also informed the Sub-Committee that the Police had carried out checks on the police systems and there had been some serious issues with local youths causing anti-social behaviour in the local parks which was exacerbated by alcohol.

It was further noted that there was no further police evidence regarding the alleged sale on 12<sup>th</sup> September, 2014.

Mr Thirugnanasampanthan then presented his case, and in doing so referred to the alleged sale on 12<sup>th</sup> September, 2014, in particular that he was working at the premises on that day, and did not recall making the sale. He also referred to the alleged sale on 26<sup>th</sup> September, 2014 and stated that having viewed the CCTV footage it appeared that the male placed the alcohol in his bag, and that the seller, Mr Lamir, did request identification but not from all those that were present as a number of young men were at the counter at the time.

Mr Thirugnanasampanthan reported that he dismissed Mr Lamir immediately following the sale, and confirmed that he had been fully trained prior to working on the register. It was also noted that Mr Thirugnanasampanthan was no longer in contact with Mr Lamir and that he was very angry that the sale had been made.

It was noted that an automatic till prompt was installed in the register resulting in a notice being displayed when an age restricted product had been scanned. It was further reported that Mr Thirugnanasampanthan would remind his staff on a daily basis to check for identification.

At this juncture, Mr Thirugnanasampanthan circulated the training programme and records that he carried out at the premises, including a training record for Mr Lamir dated September, 2014.

Concerns were raised by all parties, as it appeared that the copy passport for Mr Lamir contained in the training record had a different name and date of birth as mentioned in the documentation submitted by both Trading Standards and West Midlands Police. Mr Thirugnanasampanthan confirmed that the photograph was accurate and that he was known by his nickname "Raz", although his records stated Mohammed.

Mr Thirugnanasampanthan also stated that Mr Lamir visited the premises seeking employment, and had worked in the store for two weeks and trained and instructed in the sale of alcohol on his first day of work.

It was further noted that the premises was a family business, and the staff on the training records were members of Mr Thirugnanasampanthan's extended family, with Mr Lamir being the only non-family employee.

In responding to a question by Mr King, Mr Thirugnanasampanthan confirmed that he had not known Mr Lamir prior to his visit to the premises, and that he had not requested references prior to Mr Lamir's employment.

It was also reported that Mr Thirugnanasampanthan resided above the premises and worked the majority of the operating hours.

In responding to a question by Mr King, Mr Thirugnanasampanthan confirmed that the refusals register was electronic and details entered through the till register, and that he had installed eight CCTV cameras in the premises, which he was able to access and download.

In responding to a question by the Chair, Mr Thirugnanasampanthan confirmed that he had checked and photocopied Mr Lamir's passport and student I.D card prior to his employment.

In responding to a question by the Legal Advisor, Mr Thirugnanasampanthan stated that he did not maintain a manual refusals register, and that he was able to print a copy of the electronic refusals register over a thirty day period. He also stated that although he had CCTV footage that appeared to show youths stealing alcohol on 26<sup>th</sup> September, 2014, the footage was unclear for it to be reported to the Police.

In responding to a question by the Chair, Mr Thirugnanasampanthan confirmed that he was in agreement with the conditions suggested by Trading Standards.

In summing up, Mr King, on behalf of Trading Standards, stated that the review had been submitted following the detection by West Midlands Police and that he had deep concerns of the management of the premises following evidence presented at the hearing today.

In summing up, WPC Cheema, on behalf of West Midlands Police, raised concerns in relation to the sale of alcohol and the impact this caused in the area and that she fully supported the recommendations submitted by Trading Standards.

In summing up, Mr Thirugnanasampanthan stated that he had operated the premises for eight years with no issues or complaints and asked that the Sub-Committee give him a chance.

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

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

Resolved

That, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of One Stop, 42 Bridge Street, Coseley : -

Conditions

- (1) A written Proof of Age Policy (Challenge 25) is to be put in force, which all staff authorised to sell alcohol will be trained in and adhere to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.
- (2) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
- (3) A Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall review the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of any responsible authority.

- (4) CCTV to be in place at the premises and to be recording at all times when the premises are open for licensable activity, to the specifications of the West Midlands Police Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request immediately, and all staff are to be trained and able to operate and download CCTV. The hard drive is to be locked but readily accessible to staff.
- (5) The Premises Licence Holder will take proportionate steps to review the premises' CCTV on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (6) All persons engaged to sell alcohol must complete a training programme, which includes a written test, to verify the competency of that person prior to them being authorised to sell alcohol.
- (7) The premises licence holder shall ensure that monthly reviews are conducted with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy. The monthly reviews will be recorded in writing.
- (8) A file shall be maintained at the premises for each person authorised to sell alcohol (with proof of identity which will be a copy of passport and/or driving licence). This file shall contain all training records for each person along with copies of monthly reviews as stated in point 7. This file shall be made available for inspection by any officer from a responsible authority upon request.
- (9) Any person who is suspected of purchasing alcohol for any person under the age of 18, shall be refused service.

#### Reasons for Decision

This is a review of a premises licence brought by Trading Standards on 24<sup>th</sup> November, 2014. In response to advertising the review, both the West Midlands Police and the Director of Public Health have made representations.

The Premises Licence Holder, Mr Ravi Thirugnanasampanthan attended today. He is referred to incorrectly as Mr “Dhiru” in the statement of WPC Berry and it was confirmed today that this should be spelt “Thiru” but that he was the same person. He asked to be referred to as Mr Ravi. He is also the Designated Premises Supervisor. There was no representative from Public Health.

Trading Standards bring the review as a result of a fifteen year old male being sold alcohol on 12<sup>th</sup> September, 2014 and a further four cans of Carlsberg lager, two cans of Carling lager and three cans of cider on 26<sup>th</sup> September, 2014.

The evidence of Trading Standards is that they visited the shop in April 2013, to give advice and an advice pack to the Premises Licence Holder and that a further annual visit took place on 8<sup>th</sup> August, 2014. It is noted that a test purchase exercise was conducted in June, 2014 and no sale was made.

The evidence of West Midlands Police (WPC Berry) is that the officer saw the fifteen year old boy outside the store on 26<sup>th</sup> September and the boy admitted that he had bought alcohol from the shop for his friends. Mr Thirugnanasampanthan’s evidence was that on the CCTV the boy appeared to be placing alcohol in his bag from the store, and that the shop attendant, Mr Lamir was not clear how much had been paid for on 26<sup>th</sup> September, as a number of young men were at the counter at the time. He also admitted buying alcohol from the same store on 12<sup>th</sup> September, 2014. The officer spoke to a Mr Lamir in the store and he admitted to making the sale and to not asking the boy for any proof of age. There is no further police evidence regarding the alleged sale on 12<sup>th</sup> September. Mr Thirugnanasampanthan stated that he worked in the shop all of that day and made no sale to the boy and that the CCTV revealed no sale being made.

Mr Thirugnanasampanthan stated that Mr Razna Lamir (known by staff as Raz) had been fully trained and had a training record dated September, 2014, but that as a result of the sale, he had been dismissed. Mr Thirugnanasampanthan gave evidence that the till had an automatic till prompt system, which Mr Lamir must have overridden to make the sale.



The copy passport for Mr Lamir contained in the training record had a different date of birth and name to that given to the police but Mr Thirugnanasampanthan confirmed that the photograph was accurate and that Mr Lamir was the same person as Mohammed in the training records. The passport photograph was of poor quality and the two names on the passport could not be clearly read but appeared to be "Mohammed Haff..." and "Mohammed Sab..." Mr Thirugnanasampanthan also stated that Mr Lamir had worked in the store for two weeks and had been trained and instructed in the sale of alcohol. All other staff on the training record were members of Mr Thirugnanasampanthan's extended family and Mr Lamir was the only non-family employee.

The conditions of licence proposed by Trading Standards were put to Mr Thirugnanasampanthan. He confirmed that he had CCTV in the store and that he could provide access to this to police/trading standards upon request.

The Sub-Committee is very unhappy with the way in which Mr Lamir was employed in the business and the very poor checks undertaken before he was employed. If he was given appropriate training, this training was not evidenced on 26<sup>th</sup> September, 2014, and the management of the premises on that day was very poor, and it was not even clear whether some of the alcohol had been stolen rather than purchased.

The Sub-Committee therefore imposes the nine conditions proposed by Trading Standards, onto the premises licence. These will specifically ensure that appropriate training to staff is given, records are kept, proof of identity is sought from purchasers under the age of 25 and that CCTV is maintained and available in the premises at all times.

Mr Thirugnanasampanthan was informed of his right to appeal the decision of the Sub-Committee.

#### **Application for Consent to Engage in Street Trading – Mr and Mrs Hill – Ryemarket, Stourbridge**

A report of the Director of the Corporate Resources was submitted on an application made by Mr and Mrs Hill for the grant of consent to engage in street trading to sell freshly made Crepes with various fillings, Corn Dogs, Burgers, Pancakes and Hot and Cold Sandwiches, between 7 am and 5 pm, Fridays, Saturdays and Bank Holidays in Ryemarket, Stourbridge.

Mr R Hill and Mrs L Hill, Applicants, were in attendance at the meeting.

Also in attendance and objecting the application were J Wynn, Town Centre Assistant Events Officer, Directorate of Environment, Economy and Housing, and K Dyas, Centre Manager – Ryemarket, Stourbridge.

Following introductions the Licensing Enforcement Officer presented the report on behalf of the Council.

Mrs Wynn then reported that the area requested by the applicants was designated for entertainment and events and hired on a daily basis to agencies, such as promoting utilities, and that the main concern was the limited space available.

Mrs Dyas reported that the area requested was near the main entrance to the Ryemarket, and should the application be approved, then it was anticipated that there would be an increase in litter which would place an increased burden on the Ryemarket Shopping Centre staff who cleaned and emptied the bins within the area.

It was also noted that there was a retailer with consent to trade in the requested site that sold Jacket Potatoes.

In responding to comments made, Mr Hill believed that there would not be an increase in litter as he would undertake a litter sweep each night and remove the rubbish.

Mr Hill then presented his application, and in doing so informed the Sub-Committee that he believed that there was no trader already on the site, as the Jacket Potato van had not been there for a long period of time. He acknowledged that there would be limited space available for two vans but he applied for consent on the understanding that there were no other traders and that he wanted to offer good food to the people in Stourbridge.

It was noted that the trader who sold jacket potatoes in the area had not been at the site due to illness; however he was expected to return in the near future.

Resolved

That the application made by Mr and Mrs Hill for the grant to consent to engage in street trading in Ryemarket, Stourbridge, be refused.

#### Reasons for Decision

Mr and Mrs Hill attended today to make their application for the consent to street trade outside the Ryemarket, Stourbridge. They propose to sell fresh crepes and other foods from a van between 7am and 5pm every Friday and Saturday, and bank holidays also.

The town centre manager and events officer gave evidence that the area was used heavily and that a number of commercial organisations rented out space for events and that this brought in significant income for the Council. They also stated that there was a significant number of food outlets already in the area including three within the Ryemarket itself. A van selling potatoes already has consent to trade in the area, albeit that he has not been there recently due to illness. His consent is from Monday to Saturday. However, he was expected to return to trade on his pitch.

They were also concerned about the lack of space in the area due to the other users of the space, and the flow of persons through the area, from the shopping centre. They did not believe that the two vans could operate safely side by side, because the street furniture would not permit a safe flow of people through the area. The street market also uses the area twice a month.

For these reasons the application for a street trading consent is refused.

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The meeting ended at 12.15pm.

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

Wednesday 10<sup>th</sup> December, 2014 at 5.30 p.m.  
in Committee Room 3 at the Council House, Dudley

### **Present:-**

Councillor R Body (Chair)  
Councillor A Ahmed (Vice-Chair)  
Councillors A Aston, P Bradley, J Cowell, C Elcock, J Martin, G Simms and D Vickers

### **Officers:-**

M Farooq, Assistant Director (Law and Governance), M Hanson, Licensing Enforcement Officer and K Griffiths, Democratic Services Officer (all Directorate of Corporate Resources)

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69. **Declaration of Interest**

There were no declarations of interest from Members in accordance with Members' Code of Conduct.

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70. **Minutes**

Resolved

That the minutes of the meeting of the Committee held on 13<sup>th</sup> November, 2014 be approved as a correct record and signed.

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71. **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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72. **Review of Private Hire Driver's Licence – Mr MTA**

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr MTA in the light of a complaint received.

Mr MTA was in attendance at the meeting, together with his Solicitor, Mr Schiller.

Also in attendance were Mrs S and Mrs W, complainants and Mr M Massingham, Licensing Enforcement Officer.

In responding to a question from the Chair, all parties confirmed that the content of the report presented by Mr M Hanson was correct.

At the request of Mr Schiller, Mr Massingham read out the typed transcript of Mr MTA's taped interview in relation to the incident on 13<sup>th</sup> August, 2014, as he claimed that the report was not clear and did not give a correct record of the interview.

Mr Schiller asked a number of questions in respect of the incident to Mr Massingham and the two witnesses in attendance at the meeting.

Mr Schiller then made representations on behalf of his client, and in doing so indicated that Mr MTA did not dispute the incident, however, stated that Mr MTA had said the words in question in a different context and had not intended the language he had used to be offensive to the complainants.

All parties responded to questions asked by the Committee in relation to the incident.

Mr MTA informed the Committee that there were no matters pending that they needed to be made aware of.

Resolved

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the private hire driver's licence issued to Mr MTA be revoked, on the grounds that Mr MTA was not a fit and proper person to hold a private hire driver's licence.

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

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73.

#### **Grant of Private Hire Driver's Licence – Mr DK**

A report of the Director of Corporate Resources was submitted on an application made on behalf of Mr DK for the grant of a private hire driver's licence in the light of the information outlined in the report submitted.

Mr DK was in attendance at the meeting, together with a supporter and referred to the circumstances surrounding the non-reporting of the offence committed.

Mr DK responded to questions by the Committee and also reported that there were no matters pending that needed to be reported to the Committee.

Resolved

That, following consideration of the information contained in the report submitted and as reported at the meeting, approval be given to the grant of a private hire driver's licence to Mr DK for a period of twelve months.

At this juncture, Councillor A Aston left the meeting.

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74.

**Renewal of Private Hire Driver's Licence – Mr MF**

A report of the Director of Corporate Resources was submitted on the renewal of the private hire driver's licence issued to Mr MF, in the light of the conviction referred to in paragraph 3 of the report submitted, which was not reported within the required 7 day period. Mr MF was therefore in breach of condition 10 of his private hire driver's licence.

Mr MF was in attendance at the meeting, together with a supporter.

Mr MF responded to questions asked by the Committee on the circumstances surrounding the offence committed and for the non-reporting of the conviction. Mr MF informed the Committee that there were no matters pending that they needed to be made aware of.

Resolved

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

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The meeting ended at 6.55 pm.

CHAIR

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

Wednesday 14<sup>th</sup> January, 2015 at 5.30 p.m.  
in Committee Room 3 at the Council House, Dudley

### **Present:-**

Councillor R Body (Chair)  
Councillor A Ahmed (Vice-Chair)  
Councillors A Aston, P Bradley, J Cowell, C Elcock, J Martin, G Simms and D Vickers

### **Officers:-**

M Farooq, Assistant Director (Law and Governance), M Hanson, Licensing Enforcement Officer and K Taylor, Democratic Services Officer (all Directorate of Corporate Resources)

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75. **Declaration of Interest**

There were no declarations of interest from Members in accordance with Members' Code of Conduct.

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76. **Minutes**

Resolved

That the minutes of the meeting of the Committee held on 10<sup>th</sup> December, 2014 be approved as a correct record and signed.

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77. **Change in Order of Business**

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

Resolved

That the remaining items of business be considered in the following order:-

Agenda Item Nos 8, 5, 9, 10, 11, 12 and 13

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78. **Exclusion of the Public**

Resolved

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

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79. **Review of Private Hire Driver's Licence – Mr TA**

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr TA in the light of a complaint received.

Mr TA was in attendance at the meeting, together with his representative, Mr Saleem.

Also in attendance were Mrs JD and Mrs SH (both Civil Enforcement Officers and complainants); Mr SC (Civil Enforcement Manager) and Mr SS (Licensing Enforcement Officer).

Following a presentation of the CCTV footage of the incident on 18<sup>th</sup> March, 2014, Mr TA and Mr Saleem made representations, and in doing so indicated that Mr TA's driving was not dangerous; that no action was taken by the Police with regard to the matter; that Civil Enforcement Officers targeted Taxi Drivers and as there was no offence committed the matter should be dismissed.

All parties responded to questions asked by the Committee in relation to the incident.

Mr TA informed the Committee that there were no matters pending that they needed to be made aware of.

Resolved

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

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80. **Review of Licence Conditions in Relation to Private Hire Operator's Licences and Hackney Carriage Vehicle Licences – The Use of 'Taxi Agents' in Public**

A report of the Director of Corporate Resources was submitted on a proposal following a period of consultation that conditions be appended to Private Hire Operator's Licences and Hackney Carriage Vehicle Licences to prevent the use of 'Taxi Agents'.

Superintendent Parsons and Inspector Mason were in attendance at the meeting, together with Mr Schiller, Solicitor; representatives from Rock



Zombie and Bandit Queen; five members of the Dudley Borough taxi trade, and a representative from the Express and Star.

Following the presentation of the report submitted, Mr Hussain, of Castle Cars then reported on the current agreement he had with an establishment in Dudley Town Centre, namely Rock Zombie, and acknowledged that competition between taxi firms was inevitable, however following the additional parking spaces now available in King Street, more vehicles from Triple 20 taxi base appeared to park outside the establishment. Mr Hussain further reported that Castle Cars parked in King Street on Fridays and Saturdays between 01:00 hrs and 03:00 hrs only.

Mr Nasser, on behalf of Triple 20, informed the Committee that Triple 20 parked their vehicles outside the taxi base only and referred to the hackney carriage vehicles that parked outside Rock Zombie, in particular, that the drivers should not be denied an opportunity to work and all should be treated equally.

Mr Schiller referred to the common issue of people vacating establishments in the early hours of Fridays and Saturdays, and stated that the area and taxi queues should be controlled by taxi agents or marshalls as it was important for people to leave the area as soon as possible, and suggested the issues raised could be regulated by making the Private Hire Operator accountable for taxi agents.

Mr Schiller referred to the options as highlighted in the report submitted, in particular that should the taxi agent be removed from the area then the current problems would continue and that it should not be enforced in the proposed designated area in Dudley Town Centre.

Mr Ali, representative of Hackney Carriages, stated that the decision made should be borough wide, and hackney carriage drivers were disadvantaged as they chose not to work for a taxi base.

A representative from Rock Zombie stated that the taxi agent scheme adopted was successful, and following questions raised by the Chair, it was reported that the taxi agent could be stationed inside Rock Zombie, and reference was made to the ongoing issues with Triple 20 taxi base, in particular in regard to parking outside the establishment.

Mr Singh Dhillon from Bandit Queen, then reported that he had a good working relationship with West Midlands Police and that he had evidence of taxi vehicles parking in an area outside his establishment, which caused problems for his staff and customers. He further stated that he was concerned for the safety of his female staff and that both establishments on King Street were in close proximity and operated similar hours. It was noted that Bandit Queen operated their own taxi agent inside the premises.

Superintendent Parsons from West Midlands Police acknowledged that public safety was paramount and it was important for people to vacate the area as quickly as possible as the establishments closed.

Superintendent Parsons reported that the current arrangement between the rival taxi bases was not sustainable and that since the previous Committee meeting there was an ongoing investigation following a further reported crime in relation to the current taxi agent dispute between the two taxi firms.

Following comments made by the Chair in relation to the possibility of maintaining but regulating the use of taxi agents in Dudley Town Centre, Superintendent Parsons acknowledged that the suggestion could be viable; however the terminology of the condition was important, and referred to the well managed operation by marshalls in Stourbridge over the Christmas period.

Mr Saleem of Dudley Private Hire and Taxi Association reported that the Local Authority should take control of the situation and suggested that taxi agents should be permitted and should any concerns or issues be reported then the taxi operators should be called to Committee for appropriate action to be considered accordingly. All those in attendance, excluding the Committee, agreed to the proposal made.

In responding, the Legal Advisor stated that the Committee was considering the following options only and that the matter had already been deferred previously:

- 1) The use by a licensed private hire operator or a proprietor of a licensed hackney carriage of a taxi/booking agent within Dudley Metropolitan Borough is prohibited.
- 2) The use by a licensed private hire operator or a proprietor of a licensed hackney carriage of a taxi/booking agent within the designated area of Dudley Town Centre as shown on the map in the report submitted is prohibited.
- 3) To retain the existing arrangement.

In responding to a question by a Member in relation to the possibility of introducing an independent taxi marshal scheme, as used in Stourbridge Town Centre, it was reported that there were no funding available as the scheme in Stourbridge was funded independently.

Mr Saleem stated that the two options suggested in the report would not address the existing issues; however his proposal would enable the Local Authority to gain control and the ability to sanction private hire operators should any problems occur with the taxi agents.

Following further discussion and having considered all the representations made, it was

Resolved

That consideration of a proposal that conditions be appended to Private Hire Operator's Licences and Hackney Carriage Vehicle Licences to prevent the use of 'Taxi Agents', be deferred to a future meeting of the Committee to allow for a more detailed report outlining the options, as discussed in the meeting.

At this juncture, the Chair, Councillor Body withdrew from the meeting and the Vice-Chair, Councillor A Ahmed took over as Chair for the remaining items of business.

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81. **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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82. **Review of Private Hire Driver's Licence – Mr CGJ**

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr CGJ, in the light of the offence committed as indicated in paragraph 3 of the report submitted. Mr CGJ was also in breach of Condition 10 of his private hire driver's licence, as he had not reported the offence within the required seven day period.

Mr CGJ was in attendance at the meeting and referred to the circumstances surrounding the non-reporting of the offence committed, and responded to questions by the Committee and also reported that there were no matters pending that they needed to be made aware of.

Resolved

That, following consideration of the information contained in the report submitted and as reported at the meeting, no further action taken to the private hire driver's licence issued to Mr CGJ.

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At this juncture, Councillor A Aston left the meeting.

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83. **Review of Private Hire and Hackney Carriage Drivers' Licences – Mr UA**

A report of the Director of Corporate Resources was submitted on a review of the private hire and hackney carriage drivers' licences issued to Mr UA, in the light of the traffic offences outlined in the report submitted.

Mr UA was in attendance at the meeting, together with his representative, Mr Saleem.

Mr Saleem made representations on behalf of Mr UA, and in doing so referred to the circumstances surrounding the several traffic offences in September and October, 2014, and that Mr UA had been driving for a number of years with no issues or complaints.

Mr UA responded to questions asked by the Committee and also reported that there were no matters pending that they needed to be made aware of.

Resolved

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

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At this juncture, Councillor A Aston returned to the meeting.

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84. **Review of Private Hire and Hackney Carriage Drivers' Licences – Mr MZ**

A report of the Director of Corporate Resources was submitted on a review of the private hire and hackney carriage drivers' licences issued to Mr MZ, in the light of his failure to operate the taximeter as outlined in paragraph 4 of the report submitted.

Mr MZ was in attendance at the meeting, together with his Solicitor, Mr Schiller and Mr Saleem.

Mr Schiller made representations on behalf of his client, and in doing so referred to the circumstances surrounding Mr MZ's failure to operate the taximeter in October, 2014, and Mr MZ also reported that there were no matters pending that needed to be reported to the Committee.

Resolved

That, following consideration of the information contained in the report submitted and as reported at the meeting, the private hire and hackney carriage drivers' licences issued to Mr MZ be suspended for a period of two months in the light of his failure to operate the taximeter.

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

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85. **Review of Hackney Carriage and Private Hire Drivers' Licences – Mr AA**

A report of the Director of Corporate Resources was submitted on a review of

the hackney carriage and private hire drivers' licences issued to Mr AA, in the light of his failure to operate the taximeter as outlined in paragraph 14 of the report submitted.

Mr AA was in attendance at the meeting, together with his Solicitor, Mr Schiller and Mr Saleem.

Mr AA reported that there were no matters pending that needed to be reported to the Committee.

Resolved

That, following consideration of the information contained in the report submitted and as reported at the meeting, the private hire and hackney carriage drivers' licences issued to Mr AA be suspended for a period of two months in the light of his failure to operate the taximeter.

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

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86.

#### **Grant of Private Hire Driver's Licence – Mr MA**

A report of the Director of Corporate Resources was submitted on an application made on behalf of Mr MA for the grant of a private hire driver's licence in the light of the information outlined in the report submitted.

Mr MA was in attendance at the meeting, together with his Solicitor, Mr Schiller, Mr Saleem and a supporter.

Mr Schiller made representations on behalf of his client, and in doing so referred to the circumstances surrounding the information submitted by West Midlands Police of incidents that occurred in 1998 and 1999, and indicated that Mr MA had no issue or complaints in sixteen years; that the cases highlighted in the report were dismissed and that there were no matters pending that needed to be brought to the attention of the Committee.

Mr MA responded to a number of questions asked by the Committee, and following further discussion it was

Resolved

That, following careful consideration of the information contained in the report submitted and as reported at the meeting, the application for the grant of a private hire driver's licence in respect of Mr MA be refused on the grounds that Mr MA is not a fit and proper person, given the information outlined in the report submitted by West Midlands Police.

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

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The meeting ended at 8.50 pm.

CHAIR

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## **Minutes of the Dudley Health and Well-Being Board**

Tuesday, 16<sup>th</sup> December, 2014 at 3.15 pm  
at Lye Community Centre, Cross Walks Road, Lye

### **Present:**

Councillor R Harris (in the Chair)  
Councillor T Crumpton (Vice-Chair)  
Councillors D Branwood and N Neale  
Director of Adult, Community and Housing Services, Assistant Director, Planning and Environmental Health, Mr P Maubach, Dudley Clinical Commissioning Group, Roger Clayton, Chair of Safeguarding Boards, Pam Bradbury, Chair of Healthwatch Dudley, Mr A Gray, Dudley CVS CEO, Mr N Griffiths, West Midlands Fire and Rescue Service and Diane McNulty, Locum Consultant in Public Health.

### **In attendance:**

B Clifford, Assistant Director, Adult Social Care (Directorate of Adult, Community and Housing Services), Ian McGuff, Assistant Director Quality and Partnership (Children's Services) and Mr J Jablonski, Assistant Principal Officer (Democratic Services) (Directorate of Corporate Resources).

### **Also in attendance:**

Barry Jones, Acting Nurse Consultant Communicable Disease (for agenda item number 6)

Jag Sangha, Pharmaceutical Adviser – Community Pharmacy (for agenda item number 11), Jayne Emery, Chief Executive, Healthwatch Dudley, Susan Perks, Healthwatch volunteer (for agenda item number 12) and Katherine Finney, Communications and Public Affairs

and four members of the public.

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### **Welcome and Introductions.**

The Chair welcomed those present and Members introduced themselves.

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### **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Pauline Sharratt, Karen Jackson, Dr Steve Cartwright, Chief Superintendent Johnson and Neill Bucktin .

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**Declarations of Interest**

Councillor N Neale declared a non-pecuniary interest in agenda item no. 8 – Health and Social Care Leadership Group – Terms of Reference - in view of her employment with NHS 111.

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**Minutes**

Resolved

That the minutes of the meeting of the Board held on 30<sup>th</sup> September, 2014, be approved as a correct record and signed.

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**The Annual Report of Dudley Safeguarding Children Board and the Dudley Safeguarding Adults Board Annual Report 2013-14**

A joint report of Officers was submitted on the Annual Report of the Dudley Safeguarding Children Board 2013-14 and the Dudley Safeguarding Adults Board Annual Report 2013-14. Attached, as an Appendix to the report, was the Executive Summary of the Dudley Safeguarding Children Board report. Full copies of both annual reports were available on the Council's Committee Management Information System (CMIS).

Ian McGuff and Brendan Clifford commented on the content of the report.

Arising from the comments made, particular comments were made on the 50% increase of referrals made to children's social care involving children living within the household where a domestic abuse incident had taken place. The possible reasons for this significant increase were also raised. It was noted that most local authorities had experienced a similar increase.

The activities of the Safeguarding Children Board in meeting the challenge especially with an independent Chair were also raised. A particular comment was also made that although a significant increase had occurred it was possible that this could further increase.

Roger Clayton, the independent Chair of both safeguarding boards, then commented generally on the work of the boards.

As regards the Safeguarding Adults Board there had been a pleasing direction of travel with developments to further meet the interests of vulnerable adults with a significant increase in activity. The Care Act 2014 would also put the board on a similar footing to that of the Children Board with legislative support for the Board. Overall Dudley was considered to be in a strong position.



In respect of the Children Board this had been subject to critical review and change, with more partnerships formed and partners sharing responsibility. The Board was now considered to be fit for purpose. A special meeting of the Board would be held to consider and agree Dudley's strategy on child sexual exploitation. It was also considered that the current numbers involved underreported the extent of such exploitation. The cost involved in keeping a child in a secure area – approximately £4,000 a week – was also commented on.

In concluding Mr Clayton also referred to coordinating arrangements for both boards and the development of protocols so that everyone involved was aware of their role and objectives so that there was clarity and awareness of any gaps that needed to be filled.

Resolved

That the information contained in the Annual Report of Dudley Safeguarding Children Board 2013-14 and the Dudley Safeguarding Adults Board Annual Report 2013-14, and as reported at the meeting, be noted.

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35

#### **Health Protection Annual Report 2013-14**

A report of the Nurse Consultant in Communicable Disease, Office of Public Health, was submitted on an overview of the content of the Health Protection Annual Report 2013-14. A full copy of the report was available on the Council's Committee Management Information System (CMIS).

Barry Jones, Acting Nurse Consultant Communicable Disease, Office of Public Health gave a presentation on the content of the report.

Arising from the presentation given comments were made about the invaluable preventative work being undertaken across the board and the need for the work done and its outcomes to be given increased publicity.

Resolved

That the information contained in the report submitted, and as reported at the meeting on an overview of the content of the Health Protection Annual Report 2013-14, be received and noted.

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36

#### **Dudley Health and Wellbeing Board Community Engagement Plan.**

Further to the report submitted to the last meeting of the Board, a joint report of Officers was submitted on the finalised community engagement plan for the Health and Wellbeing Board. A copy of the community engagement plan 2014-15 was attached as an Appendix to the report.

Arising from the presentation given of the report a number of comments were made on developing the Plan, particularly in relation to the Plans of other agencies and in relation to the Plan for next year.

The Development Group were tasked with considering how the Plan could be developed so that items were picked up and priority areas clearly identified with links to other agencies. It was also considered that although the document was a good start there was a need to consider outputs and the learning gained and the need to think about the wider voluntary/faith sector and home in on their networks.

Resolved

1. That the content of the Dudley Health and Wellbeing Board Community Engagement Plan 2014-15 be noted; that the proposed activities in the plan be supported and that the plan be ratified.

2. That a further report be submitted to a future meeting of the Board in the next municipal year on how this years plan was progressing and on proposals for next years plan with particular reference to the clearer identification of priorities.

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37

#### **Health and Social Care System Resilience Group – Terms of Reference**

A report of the Chief Executive Officer, Dudley Clinical Commissioning Group was submitted on proposed terms of reference for the Health and Social Care System Resilience Group. A copy of the proposed terms of reference was attached as an Appendix to the report submitted.

A presentation was also made on current performance in relation to a number of key performance targets across health and social care relating to emergency admissions, accident and emergency performance, ambulance handovers, delayed transfers of care and referral to treatment. A key feature of the Group's role was to monitor system performance. It was proposed that information on these issues and on other issues including reducing dependency of the population on residential/nursing care, integrated working and re-admission rates be submitted to future meetings of the board.

In response to comments made by the Chair of Healthwatch, Mr Maubach indicated that he would be happy to discuss with Healthwatch the data to be included in future reports.

Resolved

1.That approval be given to the proposed terms of reference of the Health and Social Care System Resilience Group attached as Appendix 1 to the report submitted.

2.That current health and social care system performance, as reported on at the meeting ,be noted.

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38

### **Joint Strategic Needs Assessment (JSNA) Chair**

In response to a request of the Chair for a member of the Board to Chair the JSNA group, it was suggested that newer members of the Board might see this as an opportunity to become more involved.

Resolved

That Chief Superintendent Johnson and Neil Griffiths be requested to act as the joint chair of the JSNA Group.

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39

### **Better Care Fund**

A joint report of Officers was submitted updating the Board on progress made on the Better Care Fund (BCF) in Dudley since the last meeting of the Board.

It was noted that the plan approved at the last meeting of this Board had been approved with conditions by NHS England due to the level of ambition expressed for reducing emergency admissions. A resubmission would be submitted re-scaling the time frame for delivery without changing the ambition and mitigating the financial risk to the CCG and the Council.

A Section 75 Agreement would be finalised and governance arrangements agreed.

Resolved

That the information contained in the report, and as reported at the meeting, on the progress made on the Better Care Fund in Dudley, be noted and that subject to approval by Members of the Council and of the CCG Board the final proposals for the Better Care Fund and the Section 75 Agreement be submitted to a future meeting of this Board..

40

### **Pharmaceutical Needs Assessment (PNA) 2014-15**

A report of the Pharmaceutical Adviser-Community Pharmacy and Public Health was submitted on the background to the production of, and on the key points of, the Pharmaceutical Needs Assessment (PNA) 2014-15.

Jag Sangha, Pharmaceutical Adviser – Community Pharmacy and Public Health gave a presentation on the content of the PNA, a full copy of which was available on the Council's Committee Management Information System (CMIS) together with a copy of the presentation.

Arising from comments made at the meeting regarding the geographical spread and the opening times of pharmacies it was considered that whilst the geographical spread was good there were concerns at the opening times of pharmacies particularly in the evening, between midnight and 7am and at weekends.

Concerns were also raised that it would be important to ensure that future pharmacy provision took into account the impact of the new urgent care centre at Russell's Hall hospital once the new service was open 24/7 from 1<sup>st</sup> April, 2015.

Resolved

1. That, subject to the amendment of Question 2 of the consultation to reflect the concerns expressed at the meeting about the opening times of community pharmacies, the draft Pharmaceutical Needs Assessment 2014-15, as referred to in the report submitted and reported on, be approved for statutory 60-day public consultation (17<sup>th</sup> December, 2014 to 15<sup>th</sup> February, 2015).

2. That the final Pharmaceutical Needs Assessment report be reported to the next meeting of the Board in March, 2015, prior to full publication, and post public consultation and amendments as deemed appropriate, for final approval.

41

#### **Healthwatch – Consultation on Pharmaceutical Needs Assessment (PNA)**

Representatives from Healthwatch Dudley showed a short film on the consultation undertaken on the PNA and circulated at the meeting a copy of an executive summary on public views on pharmacy services and options for the future. A copy of the executive summary would be placed on the Council's Committee Management Information System (CMIS)

Susan Perks a Healthwatch volunteer, who had been involved with the consultation, then gave a presentation on the findings of the consultation.

Arising from the presentation given, the issue of opening hours for pharmacies was again raised, particularly in relation to the availability of services on a seven day basis. The consultation indicated that the biggest barriers to getting access to services were pharmacies not being open on a Sunday (21.46% of respondents) or a Saturday (10.50% of respondents).

It was indicated that there would be a further consultation and report on opening hours for pharmacies.

At the conclusion of comments Healthwatch representatives were thanked for the information given on the PNA.

Resolved

That the information submitted arising from a consultation undertaken on the PNA be noted.

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42

### **Dudley Health and Wellbeing Board Peer Review**

A joint report of Officers was submitted on the recent peer review, the outcomes of which were contained in the letter attached as an Appendix to the report submitted. A schedule, indicating in particular key areas, the peer review recommendation and action was circulated at the meeting.

Members were asked to submit their comments on the schedule to Diane McNulty by 2<sup>nd</sup> January, 2015 for consideration at a meeting of the Development Group to be held on 5<sup>th</sup> January. An updated copy would then be emailed to Board members for consideration at the Development Meeting to be held on 28<sup>th</sup> January.

Resolved

That the information submitted, and reported on, in relation to the Dudley Health and Wellbeing Board Peer Review, be noted.

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43

### **Children and Young People – Draft Plan**

A report of the Interim Director of Children's Services was submitted on proposals for the content of the draft Children and Young People's Plan 2015/17, and on the rationale for focusing on the priority that had been chosen that of improving the Early Help and Support Strategy and Offer, and for endorsement of the proposals for the development of the draft plan and for agencies in membership of the Board to provide all possible support.

Arising from comments made earlier in the meeting regarding safeguarding it was considered that there was a need to ensure that all those involved took responsibility and felt confident to take responsibility so as to become less risk averse.

If any Board Member wished to comment in writing on the draft plan they were asked to submit their comments to the Interim Director of Children's Services

Resolved

1. That the proposals for a revised Children and Young People's Plan focussed on improving the Early Help and Support Strategy and Offer be noted.
2. That the proposals for the development of the draft plan and for agencies in membership of the Board to provide all possible support be endorsed.

44

#### **Quality Transfers of Care Between Hospital and Community Settings**

A joint report of Officers was submitted on issues relating to quality transfers of care between hospital and other settings; work being done in the health and social care economy to continually improve services and people's experience of transfer of care between hospital and other settings and on specific issues relating to delayed transfers of care.

Arising from comments made it was noted that the findings from reviews undertaken would be sent to Board Members for information. An Information item on this would also be included on a future Board agenda.

Resolved

That the information contained in the report submitted on issues connected to quality transfers of care between hospital and other settings; work being done in the health and social care economy to continually improve services and people's experience of transfer of care between hospital and other settings and specific issues relating to delayed transfers of care, be noted.

45

#### **Executive Summary Five Year Forward View NHS England October 2014**

A copy of the Executive Summary of the Five Year Forward View of NHS England October 2014 was submitted for the information of the Board.

In considering the summary it was felt that the Board needed to consider its response to the Five Year Forward View.

Mr Maubach undertook to draw up a summary of the options contained in the Forward View for submission to Diane McNulty so that she could arrange for it to be circulated to Board Members prior to the Development Meeting to be held on 28<sup>th</sup> January, 2015. Members could then consider at that meeting how they wished to move forward on this matter.

Resolved

That the information contained in the Executive Summary Five Year Forward View NHS England October 2014 submitted be noted together with proposals for the Board to consider how it wished to move forward in relation to the options contained in the Five Year Forward View of NHS England.

The meeting ended at 5.45pm

CHAIR

## **Minutes of the meeting of the Cabinet**

**Thursday, 4<sup>th</sup> December, 2014 at 6.00 p.m.**  
**in Committee Room 2 at the Council House, Dudley**

### **Present:**

Councillor P Lowe - Leader of the Council (in the Chair)  
Councillors K. Ahmed, H. Bills, D. Branwood, T. Crumpton, J. Foster,  
R. Harris, G. Partridge and S. Turner

Opposition Group Members nominated to attend meetings of the Cabinet:-

Councillors P. Harley, L. Jones, I. Kettle, P. Miller and M. Wood (Conservative Group); Councillors P. Brothwood and S. Etheridge (UKIP Group)

### **Officers:-**

J. Polychronakis (Chief Executive), A. Pope-Smith (Director of Adult, Community and Housing Services), P. Tart (Director of Corporate Resources), K. Jackson (Interim Director of Public Health), I. Newman (Treasurer), P. Coyne (Assistant Director, Economic Regeneration and Transportation), T. Reilly (Assistant Director, Human Resources and Organisational Development), R. Sanders (Assistant Principal Officer, Democratic Services) and other officers.

#### 42. **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors R. James, D. Sparks and D. Vickers.

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#### 43. **Changes in representation of Opposition Group Members**

Councillors I. Kettle and L. Jones were serving in place of Councillors R. James and D. Vickers, respectively, for this meeting of the Cabinet only.

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#### 44. **Declarations of Interest**

No declarations of interest, in accordance with the Members' Code of Conduct, were made in respect of any matter to be considered at this meeting.

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#### 45. **Minutes**



Resolved

That the minutes of the meeting of the Cabinet held on 29<sup>th</sup> October, 2014 be approved as a correct record and signed, subject to the deletion of the words "as Cabinet Member for Finance" in the second and third paragraphs of the preamble to minute 35.

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46. **Corporate Quarterly Performance Management Report**

The Cabinet considered a report of the Chief Executive under cover of which was submitted the second Corporate Quarterly Performance Management Report for 2014/15, relating to performance for the period 1<sup>st</sup> July to 30<sup>th</sup> September, 2014.

Resolved

That the contents of the report submitted to the meeting and the Corporate Quarterly Performance Management Report for the second quarter of 2014/15, be noted.

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47. **Public Consultation on the Contaminated Land Inspection Strategy and Cost Recovery Policy for Dudley**

The Cabinet considered a report of the Director of the Urban Environment seeking approval for the draft Contaminated Land Inspection Strategy and Cost Recovery Policy for Dudley Borough to be used as a basis for a statutory public consultation commencing on 12<sup>th</sup> December, 2014 for a period of five weeks.

Resolved

That the Contaminated Land Inspection Strategy and the Cost Recovery Policy documentation, as placed on the Committee Management Information System and in hard copy in the Members' Room, be approved as a basis for public consultation commencing on 12<sup>th</sup> December, 2014 for a period of five weeks.

(This was a Key Decision with the Cabinet named as Decision Taker)

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48. **Public Consultation on the Dudley Area Action Plan "Preferred Options" stage document**

The Cabinet considered a report of the Director of the Urban Environment seeking approval for the Preferred Options stage of the Dudley Area Action Plan document to be used as a basis for public consultation commencing in January, 2015 for a period of six weeks.

In the discussion, the Leader gave a commitment to cross party working, where possible, in the regeneration of Dudley Town Centre.

Resolved

That the Dudley Area Action Plan Issues and Options document, as placed on the Committee Management Information System and in hard copy in the Members' Room, be approved as a basis for public consultation commencing on 16<sup>th</sup> January, 2015 for a period of six weeks.

(This was a Key Decision with the Cabinet named as Decision Taker)

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49.           **Exclusion of the public and press**

Resolved

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

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50.           **Update of Senior Management and Corporate Restructure Implementation**

The Cabinet considered a report of the Chief Executive on this matter.

Resolved

- (1)       That the update on voluntary redundancies and recruitment, as set out in the report now submitted, be noted.
- (2)       That the updated implementation plan, which includes an indicative timetable including a report back to the Cabinet on 25<sup>th</sup> February, 2015, to consider the proposals indicated in paragraph 13 of the report submitted to the meeting, be approved.

The meeting ended at 6.13 p.m.

LEADER OF THE COUNCIL

# **DELEGATED DECISION SUMMARIES**

(Copies of Decision Sheets on the new decisions database can be accessed by logging on to

<http://online.dudley.gov.uk/dudco/decision/decisions.asp>)

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1.

**Delegated Decision Summary**

**Exempt**

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Cllr Khurshid Ahmed

**Authorised By** Cllr Khurshid Ahmed, Cabinet Member for Transport

**In Consultation With** John Millar, Director of the Urban Environment

**Ward(s) Affected** Belle Vale

**Date of Decision** 02 January 2015

**Reference** DUE/01/2015

**That an application be made to the Magistrates Court to divert public footpath H131, Earls High School, Halesowen**

1.1 That an application be made to the Magistrates Court under S116 (1) (b) of the Highways Act 1980 to divert public footpath H131 as shown on plan D 013 on the grounds that it is more commodious to the public and that all costs as deemed reasonable under S117 of the Highways Act 1980 be borne by Earls High School.

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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** Cllr Khurshid Ahmed

**Authorised By** Cllr Khurshid Ahmed, Cabinet Member for Transport

**In Consultation With** John Millar, Director of the Urban Environment

**Ward(s) Affected** Hayley Green & Cradley  
South

**Date of Decision** 16 January 2015

**Reference** DUE/05/2015

**Allocation of new road name off Hagley Road, Halesowen**

1.1 That the road identified on plan no. T&T/D/RN/205 is named Sandvik Place.

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

Exempt	
Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Decision Made By** Cllr Khurshid Ahmed

**Authorised By** Cllr Khurshid Ahmed, Cabinet Member for Transport

**In Consultation With** John Millar, Strategic Director Environment, Economy & Housing

**Ward(s) Affected** Gornal  
Halesowen South  
Netherton, Woodside &  
St.Andr  
St James's  
St Thomas's  
Belle Vale  
Amblecote  
Brierley Hill  
Brockmoor & Pensnett  
Castle & Priory  
Cradley and Wollescote

**Date of Decision** 06 February 2015

**Reference** DUE/06/2015

**To introduce various traffic restrictions in roads in the borough of Dudley during 2014/15**

- 1.1 That the proposals of the following Orders be introduced.
- 1.2 The Borough Council of Dudley (2014/15 TRO) (Prohibition of Waiting, Restriction of Waiting, Restriction of Loading and Parking Places) Order 2014.
- 1.3 The Borough Council of Dudley (King Street and Flood Street, Dudley) (Prohibition of Driving, Prohibition of Right Turn and Prohibition of Left Turn) Order 2014.

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

Exempt	
Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Decision Made By** Councillor Hilary Bills

**Authorised By** Councillor Hilary Bills, Cabinet Member for Environment and Culture

**In Consultation With** John Millar, Director of the Urban Environment

**Ward(s) Affected** All

**Date of Decision** 19 December 2014

**Reference** DUE/53/2014

**Fees and Charges Attractions and Amenities Culture and Leisure 2015**

That the scale of charges attached as appended documents be approved.

That the Assistant Director for Culture and Leisure be authorised to allow variations to the approved list of fees and charges to cover incidents of reduced service levels, sales promotions, social inclusion programmes and charitable events.

In addition to the core fees and charges in each of the service areas, the additional subsidiary fees and charges for goods for resale, equipment hire, course and activity programmes, concerts and events, specialist services, concessions and sundry items are set locally by managers and approved by the Assistant Director for Culture and Leisure.

5.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Hilary Bills**Authorised By** Councillor Hilary Bills, Cabinet Member for Environment and Culture**In Consultation With** John Millar, Director of the Urban Environment**Ward(s) Affected** All**Date of Decision** 09 January 2015**Reference** DUE/04/2015**Transfer the Operational Management of Brierley Hill Civic Hall to Dudley Council for Voluntary Services for a Trial Period of 18 months Commencing 01/02/2015**

To enter into an interim management agreement with Dudley Council for Voluntary Service (DCVS) for an 18 month trial period commencing on 1 February 2015, in which DCVS take on responsibilities for the day to day management of Brierley Hill Civic Hall (BHCH).

6.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Tim Crumpton**Authorised By** Councillor Tim Crumpton, Children's Services and Lifelong Learning**In Consultation With** Pauline Sharratt, Interim Director of Children's Services**Ward(s) Affected** All**Date of Decision** 15 December 2014**Reference** DCS/41/2014**Instruments of Government for Dudley maintained Primary, Secondary and Special Schools**

To make, by sealing, a new Instrument of Government for each of the maintained schools in Dudley, whose governing bodies have not already been reconstituted in line with the School Governance (Constitution)(England) Regulations 2012.

7.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Tim Crumpton**Authorised By** Councillor Tim Crumpton, Children's Services and Lifelong Learning**In Consultation With** Pauline Sharratt, Interim Director of Children's Services**Ward(s) Affected** All**Date of Decision** 15 December 2014**Reference** DCS/42/2014**Dudley Schools Forum Academy Member Appointments**

In respect of Dudley Schools Forum, to approve the appointment of one Academy Member from 1st January 2015.

8.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Tim Crumpton**Authorised By** Councillor Tim Crumpton, Children's Services and Lifelong Learning**In Consultation With** Pauline Sharratt, Interim Director of Children's Services**Ward(s) Affected** All**Date of Decision** 07 January 2015**Reference** DCS/01/2015Catering and Client Services Price Increases 2015 - Caretakers Rent

To increase the rent paid by school caretakers resident in properties owned by the Council with effect from 1 April 2015.

9.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Tim Crumpton**Authorised By** Councillor Tim Crumpton, Children's Services and Lifelong Learning**In Consultation With** Pauline Sharratt, Interim Director of Children's Services**Ward(s) Affected** Brockmoor & Pensnett

Brierley Hill

**Date of Decision** 14 January 2015**Reference** DCS/02/2015To consider and determine the proposal to make a prescribed alteration to a community special school, namely to increase the capacity of Pens Meadow School

To consider and determine the proposal to make a prescribed alteration to a community special school, namely to increase the capacity of Pens Meadow Special School for students aged 16 plus.

Following a period of statutory consultation and the publication of a statutory notice, a determination is sought to make a prescribed alteration to Pens Meadow Special School, namely to increase the capacity for students aged 16 plus by 40 by demolishing the former Pensnett School main building and science block and refurbishing the site to provide a facility for post 16 students.

10.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Tim Crumpton**Authorised By** Councillor Tim Crumpton, Children's Services and Lifelong Learning**In Consultation With** Pauline Sharratt, Interim Director of Children's Services**Ward(s) Affected** All**Date of Decision** 21 January 2015**Reference** DCS/03/2015Dudley Schools Forum Constitution

To approve the revised Schools Forum Constitution, to include changes required by the Schools Forum (England) Regulations 2012, as amended by the School and Early Years Finance (England) Regulations 2014.

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

Exempt	
Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Decision Made By** Councillor Tim Crumpton  
**Authorised By** Councillor Tim Crumpton, Children's Services and Lifelong Learning  
**In Consultation With** Pauline Sharratt, Interim Director of Children's Services  
**Ward(s) Affected** All  
**Date of Decision** 29 January 2015  
**Reference** DCS/04/2015

**Extension of Compacts for Children with Disabilities to help meet the Authority's Statutory Duty to provide Short Breaks**

Extension of Compacts for children with disabilities for a further 12 months until March 31st 2015 to help meet the Authority's Statutory Duty to provide Short Breaks  
(re: Acorns, Kids, Mencap)

To extend existing Compact agreements due to end at 31st March 2015, for:

Acorns- Hospice at Home Service  
Kids- Family Support Service, Specialist Youth Club and Play scheme  
Mencap- Parents and Children and Young Peoples Participation Service

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**12.****Delegated Decision Summary**

Exempt	
Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Decision Made By** Councillor Judy Foster  
**Authorised By** Councillor Judy Foster, Cabinet Member for Regeneration  
**In Consultation With** John Millar, Director of the Urban Environment  
**Ward(s) Affected** All  
**Date of Decision** 02 December 2014  
**Reference** DUE/51/2014

**Adoption of Birmingham City Council's Landscape Construction Framework**

1.1 To adopt Birmingham City Council's Landscape Contractor's Framework

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**13.****Delegated Decision Summary**

Exempt	
Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Decision Made By** Councillor Judy Foster  
**Authorised By** Councillor Judy Foster, Cabinet Member for Regeneration  
**In Consultation With** John Millar, Director of the Urban Environment  
**Ward(s) Affected** All  
**Date of Decision** 05 January 2015  
**Reference** DUE/03/2015

**Community Infrastructure Levy (CIL) – Statement of Proposed Modifications**

To agree to publish and consult for a period of 4 weeks, and then submit any representations to the Planning Inspector the modifications that the Council proposes, and as recommended by the Planning Inspector during the Examination in Public on the Dudley CIL Charging Schedule.



14.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Decision Made By Councillor Rachel Harris

Authorised By Councillor Rachel Harris, Cabinet member for Human Resources, Legal,

In Consultation With Teresa Reilly, Assistant Director

Ward(s) Affected All

Date of Decision 10 December 2014

Reference HOPSS/47/2014

To create up to 6 Customer Service Advisor posts at Dudley Council Plus (DC+) to cover Halesowen, Stourbridge and Brierley Hill Libraries.

To increase the establishment of customer service advisors at DC+ to cater for the 6 advisor FTEs who will be required to work on a rota basis from Halesowen, Stourbridge and Brierley Hill libraries to offer a full DC+ service.

Funding for these posts will be transferred by DACHS.

15.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Decision Made By Councillor Rachel Harris

Authorised By Councillor Rachel Harris, Cabinet member for Human Resources, Legal,

In Consultation With John Millar, Director of the Urban Environment

Ward(s) Affected All

Date of Decision 19 December 2014

Reference DUE/52/2014

Fees and Charges Sport and Physical Activity Culture and Leisure 2015

That the scale of charges attached as appended documents be approved.

That the Assistant Director for Culture and Leisure be authorised to allow variations to the approved list of fees and charges to cover incidents of reduced service levels, sales promotions, social inclusion programmes and charitable events.

In addition to the core fees and charges in each of the service areas, the additional subsidiary fees and charges for goods for resale, equipment hire, course and activity programmes and events, specialist concessions and sundry items are set locally by managers and approved by the assistant Director for Culture and Leisure.

16.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Decision Made By Councillor Rachel Harris

Authorised By Councillor Rachel Harris, Cabinet member for Human Resources, Legal,

In Consultation With Teresa Reilly, Assistant Director

Ward(s) Affected All

Date of Decision 13 January 2015

Reference HOPSS/02/2015

Appointment of Customer Services Officers for the Access Team in Adult Social Care.

To agree the appointment of two permanent and one temporary Customer Service Officers.

17.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Rachel Harris

**Authorised By** Councillor Rachel Harris, Cabinet member for Human Resources, Legal,

**In Consultation With** Teresa Reilly, Assistant Director

**Ward(s) Affected** St Thomas's  
Castle & Priory  
St James's

**Date of Decision** 13 January 2015**Reference** HOPSS/01/2015

**That 2 apprentices should be employed for 12 months within the Dudley Ambassadors team, part funded by ERDF Grant.**

That 2 apprentices should be employed for 12 months within the Dudley Ambassadors team, to support the Dudley Ambassador whilst gaining skills, experience and qualifications. Part funded by ERDF grant.

18.

Delegated Decision Summary

Exempt

Yes No

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Decision Made By** Councillor Rachel Harris

**Authorised By** Councillor Rachel Harris, Cabinet member for Human Resources, Legal,

**In Consultation With** Teresa Reilly, Assistant Director

**Ward(s) Affected** All

**Date of Decision** 13 January 2015**Reference** HOPSS/03/2015

**Changes to posts in Housing Management due to workload increases from Welfare Reform.**

Due to workload increases from Welfare Reform to create and recruit, delete from establishment or convert temporary posts to permanent posts in Housing Management as follows:

- To convert 1 temporary Assistant Team Manager (Income Management) to permanent
- To convert 3 temporary Income Officer posts to permanent
- To convert 1 temporary Housing Management Assistant (Income) to permanent
- To delete 1 permanent Housing Management Assistant (Income) post and create 1 permanent Income Officer post
- To create 0.5 fte permanent Housing Management Assistant (Income) post
- To convert 2 temporary Housing Support Offices (Welfare Reform) to permanent
- To convert 0.55 fte temporary Rent Accounting Officer post to permanent
- To convert 0.6 fte temporary Customer Complaints Officer post to permanent.

19.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Rachel Harris**Authorised By** Councillor Rachel Harris, Cabinet member for Human Resources, Legal,**In Consultation With** Philip Tart, Strategic Director (Resources and Transformation)**Ward(s) Affected** Coseley East**Date of Decision** 22 January 2015**Reference** DCR/02/2015**Appropriation of land site of the former Archives at Mount Pleasant Street, Coseley.**

That the site of the former Mount Pleasant Archives, Mount Pleasant Street, Coseley, be appropriated from the Elementary Education Act 1870 to the Housing Act 1985.

20.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Rachel Harris**Authorised By** Councillor Rachel Harris, Cabinet member for Human Resources, Legal,**In Consultation With** Philip Tart, Strategic Director (Resources and Transformation)**Ward(s) Affected** St James's**Date of Decision** 22 January 2015**Reference** DCR/03/2015**Appropriation of Units 26, 27 and 28 Holloway Chambers, Priory Street, Dudley**

That Units 26, 27 and 28 Holloway Chambers, Priory Street, Dudley, be appropriated from the purpose of The Town & Country Planning Act 1948 to the Housing Act 1985.

21.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Rachel Harris**Authorised By** Councillor Rachel Harris, Cabinet member for Human Resources, Legal,**In Consultation With** Philip Tart, Strategic Director (Resources and Transformation)**Ward(s) Affected** All**Date of Decision** 03 February 2015**Reference** DCR/04/2015**Appropriation of residential properties & garages to the purposes of the Housing Act 1985**

That the residential properties and garages currently held by the council for various purposes, that are no longer required for that purpose, be appropriated to the purposes of the Housing Act 1985 for social housing.

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**22.****Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor Peter Lowe**Authorised By** Councillor Peter Lowe, Leader of the Council**In Consultation With** Iain Newman, Treasurer**Ward(s) Affected** All**Date of Decision** 19 December 2014**Reference** DCR/21/2014**Inclusion of spend to be funded by Autism Innovation Grant in the Capital Programme**

To note the allocation of £18,500 of capital funding awarded by the Department of Health and include the spend to be funded by the grant in the Capital Programme.

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**23.****Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor Peter Lowe**Authorised By** Councillor Peter Lowe, Leader of the Council**In Consultation With** Iain Newman, Treasurer**Ward(s) Affected** Cradley and Wollescote**Date of Decision** 05 January 2015**Reference** DUE/02/2015**To include the construction of five pathways in Homer Hill Park in the Capital Programme**

To include the construction of five pathways in Homer Hill Park, Cradley, in the Capital Programme.

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**24.****Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor Gaye Partridge**Authorised By** Councillor Gaye Partridge, Cabinet Member for Housing and Community**In Consultation With** Andrea Pope-Smith, Director of Adult, Community and Housing Services**Ward(s) Affected** All**Date of Decision** 10 December 2014**Reference** DACHS/008/2014**Nominations to Private Registered Providers**

To adopt an updated Nominations Agreement with Private Registered Providers operating within the borough.

To confirm the nomination policy and procedure for Extra Care Housing within the borough.

25.

Delegated Decision Summary

Exempt

Yes No

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Decision Made By** Councillor Gaye Partridge**Authorised By** Councillor Gaye Partridge, Cabinet Member for Housing and Community**In Consultation With** John Millar, Strategic Director Environment, Economy & Housing**Ward(s) Affected** All**Date of Decision** 09 February 2015**Reference** DUE/07/2015Housing Assistance Scheme – Disabled Facilities Grant

To approve the following:-

- discretionary grant funding to provide adaptations to enable a disabled person to live in an independent supported home living environment, and
- to apply a condition to the grant that if the property is sold or otherwise disposed of then the grant funding will be repaid in full to the Council. Any appeals relating to this grant condition are to be made in writing to the Director of Adult, Community and Housing Services and the Lead Member for Housing

26.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** John Polychronakis**Authorised By** John Polychronakis, Chief Executive

Iain Newman, Treasurer

**In Consultation With** Councillor Peter Lowe, Leader of the Council

Councillor Rachel Harris, Cabinet member for Human Resources, Legal,

**Ward(s) Affected** All**Date of Decision** 06 January 2015**Reference** CE/01/2015Application for external capital funding

Approval of Summit House to apply for an amount of £351,000 Capital Funding from Public Health England

27.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Philip Tart**Authorised By** Philip Tart, Director of Corporate Resources**In Consultation With** Councillor Stuart Turner, Cabinet Member for Finance**Ward(s) Affected** All**Date of Decision** 09 January 2015**Reference** DCR/01/2015Approval for a grant to be made from the Local Welfare Assistance fund to the Black Country Foodbank

The Black Country Foodbank be awarded a one off grant of £25k to assist with it's work in supporting vulnerable people in the Dudley Borough.