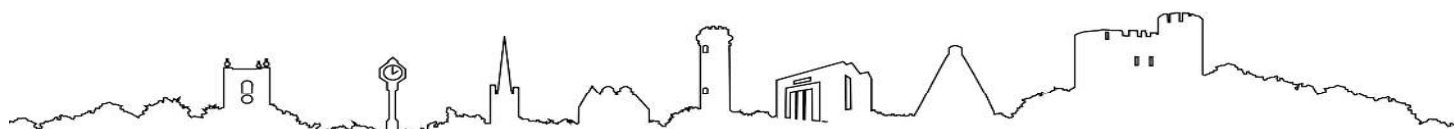


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26th June, 2023 – 22nd September, 2023

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Minutes of the Cabinet

**Wednesday, 28th June, 2023 at 6.00pm
at Saltwells Education Development Centre, Netherton**

Present:

Cabinet Members

Councillor P Harley (Leader - Chair)
Councillor P Bradley (Deputy Leader - Vice-Chair)
Councillors P Atkins, I Bevan, R Buttery, D Corfield, Dr R Clinton, M Rogers
and L Taylor-Childs.

Opposition Group Members Nominated to attend the Cabinet

Councillors S Ali, K Casey, J Cowell, J Foster, P Lowe, S Ridney, P Sahota
and Q Zada.

Officers

K O'Keefe (Chief Executive), B Heran (Deputy Chief Executive), C Driscoll
(Director of Children's Services), K Jones (Director of Housing and
Communities), H Martin (Director of Regeneration and Enterprise), I Newman
(Director of Finance and Legal), D Brennan (Equality, Diversity and Inclusion
Manager), M Spittle (Head of Access and Prevention, Commissioning,
Performance and Complaints) and S Griffiths (Democratic Services Manager).

1 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of
Councillors A Aston, C Bayton and S Clark.



2 **Declarations of Interest**

Councillor J Cowell declared a non-pecuniary interest, in accordance with the Members' Code of Conduct, as a Council housing tenant.

3 **Minutes**

Resolved

That the minutes of the meeting held on 16th March, 2023, be agreed as a correct record and signed.

4 **Capital Programme Monitoring**

A joint report of the Chief Executive and the Director of Finance and Legal was submitted on progress with the implementation of the Capital Programme, including the 2022/23 outturn position, together with proposed amendments to the Capital Programme.

The Leader and Cabinet Members responded to detailed questions from Members of the Opposition Group regarding various issues referred to in the report including the project for Dudley Town Centre, the inclusion of solar panels at the design stage in key developments, the partnership approach and future monitoring in relation to the Telecare service and future works in relation to Closed Circuit Television (CCTV).

Resolved

That the Council be recommended:-

- (1) That the outturn position for 2022/23, as set out in paragraph 4 of the report and Appendix A to the report, be noted.
- (2) That progress with the 2023/24 Capital Programme, as set out in Appendix B to the report, be noted.
- (3) That the parks development budget of £200,000, as set out in paragraph 7 of the report, be approved and included in the Capital Programme.

- (4) That the reallocation of car park infrastructure capital budgets of £130,000 to Closed Circuit Television (CCTV) works at car parks, as set out in paragraph 8 of the report, be approved.
 - (5) That the transfer of capital budgets for Telecare services from Private Sector Housing to Adult Social Care, as set out in paragraph 9 of the report, be approved and included in the Capital Programme.
 - (6) That the new project of £25,000 funded by the Connected Services digital grant, as set out in paragraph 10 of the report, be approved and included in the Capital Programme.
 - (7) That the Family Hubs capital grant and expenditure of £47,000 and estimated values for future years, as set out in paragraph 11 of the report, be approved and included in the Capital Programme.
 - (8) That the additional budget of £60,000 for solar panels at Duncan Edwards Leisure Centre, as set out in paragraph 12 of the report, be approved and included in the Capital Programme.
 - (9) That a budget of £250,000 for work on Dudley Town Centre, as set out in paragraph 13 of the report, be approved and included in the Capital Programme.
 - (10) That the urgent amendment to the Capital Programme to improve tennis facilities in parks across Dudley for £284,000, as set out in paragraph 14 of the report, be approved and included in the Capital Programme.
-

5 Moving Traffic Regulation Order (TRO) Enforcement

A report of the Acting Service Director – Neighbourhood Delivery was submitted seeking approval to apply for Civil Enforcement powers from the Department for Transport for Moving Traffic Contraventions under the Traffic Management Act 2004.

The Shadow Cabinet Member for Highways and Street Scene (Councillor K Casey) referred to the need for further detail and analysis of the risks, costs and benefits of the proposals. The Leader of the Opposition Group (Councillor Q Zada) referred to the need to effectively manage risks associated with equality to ensure the proposals did not have a disproportionate or adverse effect on particular communities.

The Leader requested that a full briefing be provided to the Shadow Cabinet Member for Highways and Street Scene (Councillor K Casey).

Resolved

- (1) That authority be delegated to the Director of Environment, following consultation with the Cabinet Member for Highways and Environmental Services, to consult with the Chief Constable of Police for the West Midlands, and to undertake the required 6 week minimum consultation exercise.
- (2) That subject to the outcome of the consultation referred to above, the making of an application to the Department for Transport for the adoption of Moving Traffic Contravention powers, in accordance with Part 6 of the Traffic Management Act 2004, be approved.
- (3) That the Moving Traffic Contravention Penalty Charge Notice (PCN) value be set at the higher level of £70 (reducing to £35 if paid within 21 days) in line with existing Civil Enforcement activities undertaken by the Council.
- (4) That a further report be submitted in early 2024, following the outcome of the application process, to consider the associated business case and operating policy and protocols for the Moving Traffic Contravention enforcement service.

6 Housing and Communities Governance

A report of the Director of Housing and Communities was submitted seeking approval to establish a Housing Assurance Board in response to the Social Housing Regulation Bill and considering the additional corporate risk associated with the Regulator for Social Housing's oversight of the Housing Compliance Recovery Programme.

The Cabinet Member for Housing and Safer Communities (Councillor L Taylor-Childs) responded to detailed issues and concerns raised by Members of the Opposition Group concerning the future governance arrangements. It was accepted that the proposals would be the subject of ongoing monitoring and review.

In response to a question from the Leader of the Opposition Group (Councillor Q Zada), the Cabinet Member for Housing and Safer Communities (Councillor L Taylor-Childs) gave an assurance that the proposals did not represent the start of an Arms Length Management Organisation (ALMO). In response to comments regarding a cross-party approach, the Cabinet Member indicated that the position of Chair of the proposed Customer Engagement Committee would be offered to an Opposition Councillor.

Resolved

That the Housing and Communities Directorate be authorised to create a Housing Assurance Board in preparation for forthcoming changes to the law, once the Social Housing Regulation Bill reaches Royal Assent, and that the proposals be the subject of ongoing monitoring and review.

7 Equality, Diversity and Inclusion Annual Delivery Plan

A report of the Chief Executive was submitted on the annual delivery plan for Equality, Diversity and Inclusion for the period April, 2023 to March, 2024.

In response to comments from the Leader of the Opposition Group (Councillor Q Zada), the Chief Executive assured Members of the clear and ongoing commitment to Equality, Diversity and Inclusion and ensuring a representative workforce at all levels within the organisation. During the discussion, reference was made to the need to ensure inclusivity and engagement with employee networks, including female employees, employees with specific health conditions and older employees. The Equality, Diversity and Inclusion Manager referred to ongoing work to deliver positive changes, including a strategic review of people policies.

Councillor P Lowe referred to future reports associated with Equality, Diversity and Inclusion and the need to align reporting arrangements to the Cabinet accordingly. Reference was also made to cross party liaison, effective engagement and effective ongoing scrutiny of the Equality, Diversity and Inclusion action plan.

Resolved

- (1) That the progress made against the annual plan for Equality, Diversity and Inclusion (EDI) for the period 2022/23, be noted.
- (2) That the annual plan for Equality, Diversity, and Inclusion for the current year 2023/24, be approved and endorsed.

8 Dudley Playing Pitch and Outdoor Sports Strategy (PPOSS); Dudley Strategy and Action Plan and Black Country PPOSS Overarching Strategic Framework

A report of the Director of Regeneration and Enterprise was submitted on the adoption of the above documents to inform future decision making. This would ensure that the Council adopted an up to date assessment and strategy to improve, invest and protect playing pitches and outdoor sports sites.

The Leader responded to queries from the Opposition Group concerning the Council's strategic approach to all sports, partnership working and engagement with relevant groups.

Resolved

That the following documents, to be used in making decisions and targeting investment in relation to Playing Pitches and Outdoor Sports, be adopted:-

- (a) Playing Pitch and Outdoor Sport Strategy (PPOSS) for Dudley
 - (b) Dudley Strategy and Action Plan
 - (c) Black Country PPOSS Overarching Strategic Framework
-

9 **Residential Design Guide Supplementary Planning Document (SPD)**

A report of the Director of Regeneration and Enterprise was submitted on the adoption of the amended Residential Design Guide Supplementary Planning Document.

Resolved

That the Residential Design Guide Supplementary Planning Document be approved and adopted.

10 **Nature Conservation Site – Dudley No.1 Canal**

A report of the Director of Regeneration and Enterprise was submitted on the results and recommendations of an ecological survey carried out for Dudley No1 Canal (Brierley Hill Section). The recommendations in the report would ensure that the Council's Local Plan and planning decision making was based on up-to-date evidence and could continue to be used as the basis for robust and defensible planning decisions.

Resolved

- (1) That the proposed upgrade of a section of the Dudley No1 Canal from Sites of Local Importance for Nature Conservation (SLINC) to Sites of Importance for Nature Conservation (SINC), to be known as Delph Locks SINC, be approved.
 - (2) That the proposal to retain the northern section of the Canal as SLINC, as detailed in section 3 of the report, be noted.
 - (3) That subject to endorsement from the Birmingham and Black Country Local Sites Partnership, the Cabinet Member for Communities and Economic Delivery, together with the Director for Regeneration and Enterprise, be authorised to approve the de-designation of the central area of SINC at Ketley Quarry.
-

11 **Recommendations for Article 4 Direction for Houses in Multiple Occupation (HMOs)**

A report of the Director of Regeneration and Enterprise was submitted on the consideration of consultation responses and the confirmation of an Article 4 Direction in relation to small Houses in Multiple Occupation.

Resolved

That the Director of Regeneration and Enterprise be authorised to confirm an Article 4 Direction to be applied to the Council's administrative area (Borough wide) to remove Permitted Development Rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use) to come in to force on 15th September 2023.

12 **Care Experienced to be Protected Characteristic**

A report of the Director of Children's Services was submitted on a proposal to recognise care experience as a protected characteristic.

Resolved

That, following due diligence and organisational wide scoping, the recommendations set out below be approved:-

- (1) That when making any decisions in relation to policies or formulating plans, Dudley recognise that care experienced people are a vulnerable group who face discrimination.
- (2) That future decisions, services and policies made and adopted by the Council be assessed through the Council's new and improved Corporate Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a Protected Characteristic.
- (3) That work be undertaken towards a best practice model, enabling Care Experience to be integrated as if it were a Protected Characteristic.

- (4) That the Council proactively seek out and listen to the voices of care experienced people when developing appropriate new policies based on their views.
 - (5) That the Council's Corporate Parenting Board, in collaboration with the relevant stakeholders across the organisation, oversee the delivery of this commitment.
-

13 **Energy Development Fund**

A report of the Deputy Chief Executive was submitted on the creation of an Energy Development Fund comprising of £1 million borrowing approval for investment in renewables to reduce the Council's carbon footprint and make financial savings.

Resolved

That the Council be recommended:

- (1) To include up to £1 million of Climate initiatives within the Capital Programme which are self-financing over the life of the projects.
 - (2) That, subject to the above, the Director of Finance and Legal, following consultation with the Cabinet Member for Climate Change and the Deputy Chief Executive, be authorised to approve individual schemes which have a business case incorporating a payback of less than 7.5 years.
-

14 **Issues arising from Scrutiny Committees**

No issues were raised under this agenda item.

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

No questions were raised under this agenda item.

16 **Exclusion of the Public and Press**

Resolved

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

Minute No. 17 - paragraph 3 - relating to the financial or business affairs of any particular person (including the authority holding that information).

17 **Black Country Innovative Manufacturing Organisation**

A joint report of the Deputy Chief Executive, the Director of Finance and Legal and the Director of Regeneration and Enterprise was submitted on proposed actions to take the Black Country Innovative Manufacturing Organisation (BCIMO) to a sustainable business model.

Reference was made to the work to address outstanding issues and manage the associated risks.

Resolved

- (1) That the recommendations, as set out in the report, be approved.
- (2) That the Director of Finance and Legal be authorised to increase the loan support by the amount set out in the report and to amend the Capital Programme accordingly.

The meeting ended at 7.50pm

LEADER OF THE COUNCIL

Minutes of the Cabinet

**Thursday, 6th July, 2023 at 6.00pm
at Saltwells Education Development Centre, Netherton**

Present:

Cabinet Members

Councillor P Harley (Leader - Chair)
Councillor P Bradley (Deputy Leader - Vice-Chair)
Councillors P Atkins, I Bevan, R Buttery, S Clark, D Corfield, Dr R Clinton,
M Rogers and L Taylor-Childs.

Opposition Group Members Nominated to attend the Cabinet

Councillors A Aston, C Bayton, J Cowell, J Foster, S Ridney and P Sahota.

Officers

K O'Keefe (Chief Executive), B Heran (Deputy Chief Executive), I Newman
(Director of Finance and Legal), M Farooq (Lead for Law and Governance –
Monitoring Officer) and S Griffiths (Democratic Services Manager).

18 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of
Councillors S Ali, K Casey, P Lowe and Q Zada.

19 Declarations of Interest

No interests were declared in accordance with the Members' Code of
Conduct.

20 **2022/23 Provisional Revenue Outturn and Medium Term Financial Strategy**

A joint report of the Chief Executive and the Director of Finance and Legal was submitted on the provisional revenue outturn for 2022/23 and changes to the Medium Term Financial Strategy. In presenting the report, the Cabinet Member for Finance, Legal and Human Resources drew attention to the Council's financial position as set out in the report and made the Cabinet aware of the comments of the External Auditors as set out in their Annual Audit Plan 2022/23.

The Leader, Cabinet Members and Officers responded to detailed questions from Members of the Opposition Group concerning vacancy levels, the library service, children's services and schools budgets, regeneration, income generation from commercial activities and additional spending in highways and environment.

Resolved

- (1) That the draft General Fund and Housing Revenue Account (HRA) outturns for 2022/23 be noted.
 - (2) That the potential need to amend the outturn in respect of a loan to the Black Country Innovative Manufacturing Organisation (BCIMO), as set out in paragraph 3 of the report, be noted.
 - (3) That the effect of the General Fund outturn on General Fund balances as at 31st March, 2023 be noted.
 - (4) That the continuation of the local scheme to disregard War Pensions in the Housing Benefit and Council Tax Reduction schemes, as set out in paragraph 9 of the report, be approved.
 - (5) That the financial position of the Council, as set out in the report and as summarised in paragraph 26 of the report, be noted.
 - (6) That the Council be recommended to amend the budgets as outlined in paragraphs 19 and 20 of the report.
-

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

No questions were raised under this agenda item.

The meeting ended at 6.35pm

LEADER OF THE COUNCIL



Minutes of the Cabinet

**Wednesday 20th September, 2023 at 6.00pm
in Committee Room 2 at the Council House,
Priory Road, Dudley**

Present:

Cabinet Members

Councillor P Harley (Leader - Chair)
Councillor P Bradley (Deputy Leader - Vice-Chair)
Councillors I Bevan, S Clark, D Corfield and Dr R Clinton.

Opposition Group Members Nominated to attend the Cabinet

Councillors S Ali, C Bayton, J Cowell, J Foster, S Mughal, S Ridney and P Sahota.

Observer

Councillor I Kettle.

Officers

K O'Keefe (Chief Executive), H Martin (Director of Regeneration and Enterprise), I Newman (Director of Finance and Legal) and S Griffiths (Democratic Services Manager).

22 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors A Aston, P Atkins, R Buttery, K Casey, P Lowe, M Rogers and L Taylor-Childs.



23 **Declarations of Interest**

Councillor J Cowell declared a non-pecuniary interest, in accordance with the Members' Code of Conduct, as a Council tenant.

24 **Minutes**

Resolved

That the minutes of the meeting held on 6th July, 2023 be confirmed as a correct record and signed.

25 **Capital Programme Monitoring**

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

Cabinet Members and Officers responded to questions raised at the meeting concerning public sector decarbonisation, major regeneration projects (including risks), Very Light Rail and Council housing projects. The question raised by Councillor S Ridney concerning CCTV in Roseville, Coseley would be referred to the Cabinet Member for Housing and Safer Communities for an urgent response.

Resolved

- (1) That progress with the 2023/24 Capital Programme, as set out in Appendix A to the report, be noted.
- (2) That the new firewalls budget of £460,000, as set out in paragraph 6 of the report, be approved and included in the Capital Programme.
- (3) That the approval and inclusion within the Capital Programme of the budget of £26,000 for the Holiday Activities and Food Programme funded fully by the grant, as set out in paragraph 7 of the report, be noted.

- (4) That the transfer of £75,000 between the ICT Strategy and Storage Area Network, as set out in paragraph 8 of the report, be approved.
- (5) That the urgent amendment to the Capital Programme for additional costs in the Fire Suppression works contract for £70,000, as set out in paragraph 9 of the report, be approved and included in the Capital Programme.

26 **West Midlands Combined Authority (WMCA) – West Midlands Trailblazer Deeper Devolution Deal**

A report of the Director of Regeneration and Enterprise was submitted on the necessary actions in advance of the West Midlands Combined Authority (WMCA) Board meeting on 13th October, 2023 to support the ratification of the trailblazer deeper devolution deal.

Feedback on the draft Governance Review and Scheme would be forwarded to WMCA to enable any amendments to be made to the final drafts prior to approval at the WMCA Board. It was noted that similar reports were being considered by the other West Midlands Councils.

Members welcomed the report and supported the proposals. The Leader and the Director of Regeneration and Enterprise responded to questions concerning the implications for the Dudley Local Plan and the need to ensure staff resources were deployed to deliver on key priorities.

The Director of Regeneration and Enterprise undertook to clarify a discrepancy identified by the Cabinet Member for Climate Change concerning the financial values shown in the report relating to Air Quality Sensors.

Resolved

That the Leader be authorised to assent to the ratification of the deal on behalf of the Council, at the meeting of the West Midlands Combined Authority Board on 13th October, 2023, and to take any necessary or consequential actions to proceed with the deal implementation.

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

No questions were raised under this agenda item.

The meeting ended at 6.50pm

LEADER OF THE COUNCIL

**Minutes of the Overview and Scrutiny Committee
12th June, 2023 at 6.00pm
at Saltwells Education Development Centre,
Bowling Green Road, Netherton**

Present:

Councillor I Kettle (Chair)
Councillor S Keasey (Vice-Chair)
Councillors S Ali, H Bills, J Clinton, R Collins, E Lawrence, P Lowe, A Qayyum,
M Rogers and D Stanley.

Officers:

K O'Keefe (Chief Executive), C Driscoll (Director of Children's Services), K Jones (Director for Housing and Communities), M Abuaffan (Acting Director of Public Health and Wellbeing), J Branch (Assistant Director People and Inclusion), N Biddle (Head of Digital and Customer Services), R Cooper (Head of Financial Services), A Paul (Head of Chief Executive's Office), C Blunn (Corporate Performance Manager), S Haycox (Corporate Performance Support) and S Griffiths (Democratic Services Manager).

Observer:

Councillor S Henley.

1 Apologies for Absence

Apologies for absence were received on behalf of Councillors P Dobb, J Foster and A Hughes.

2 **Appointment of Substitute Members**

Councillors R Collins, P Lowe and A Qayyum had been appointed as substitute Members for Councillors P Dobb, J Foster and A Hughes, respectively, for this meeting of the Committee only.

3 **Declarations of Interest**

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

4 **Public Forum**

No issues were raised under this agenda item.

5 **Overview and Scrutiny Arrangements 2023/24**

A report of the Lead for Law and Governance was submitted on the Council's Overview and Scrutiny Arrangements for 2023/24. At the Annual Meeting of the Council on 18th May, 2023, approval had been given to establish the Overview and Scrutiny Committee, together with seven Select Committees for the 2023/24 municipal year.

The report set out updates to Article 6 of the Constitution together with the associated Overview and Scrutiny Procedure Rules. The views of the Committee were sought on the development of any aspects of the Council's Overview and Scrutiny Arrangements during the 2023/24 municipal year.

Concerns were expressed regarding the proposed scrutiny 'call in' arrangements, whereby all 'called-in' decisions would be considered by the Overview and Scrutiny Committee rather than the Select Committee that had called in the decision. Reference was made to a recent Member Development session with representatives of the Local Government Association. Concerns were expressed that the proposals may not reflect external best practice advice or examples of good governance elsewhere. Members questioned the reason for changing the Council's existing approach to determining scrutiny 'call-ins'.

The Chair indicated that the structure of Committees had been agreed at the Annual Meeting of the Council. The Overview and Scrutiny Committee had the ability to invite any Members, Officers or subject matter experts depending on the business under consideration. The Council had significant local discretion to determine its own Overview and Scrutiny arrangements.

Following a discussion it was moved by Councillor P Lowe, seconded by Councillor S Ali and following a vote

Resolved

That consideration of the proposals be deferred pending the submission of a further report to the Overview and Scrutiny Committee.

6 Corporate Quarterly Performance Report – Quarter 4 (1st January to 31st March, 2023)

A report of the Chief Executive was submitted on the Quarter 4 Corporate Quarterly Performance report covering the period 1st January to 31st March, 2023. The information in the report was supplemented by a presentation from the Corporate Performance Manager, copies of which were circulated to the Committee, focussing on indicators that were below target.

The Chief Executive referred to a review of Key Performance Indicators to ensure their relevance and achieve a focus on issues that were particularly problematic over a long period and/or which were of key strategic significance. Issues could be considered in more detail by this Committee or the relevant Select Committee by taking a ‘deep dive’ approach where appropriate.

In response to concerns raised by Councillor D Stanley on Performance Indicator 1899 (Rent loss: % of potential rent receipts lost (dwellings)), the Director of Housing and Communities acknowledged the total cumulative rent loss in Quarter 4 equated to just below £2 million. The end-to-end voids review was in progress and was having a positive impact on void turn around times. This would impact on void rent loss in the future. With the current focus on stock condition there may be an impact on void loss in the short term as additional checks were undertaken at void stage. Councillor S Ali referred to improvement targets and timescales and the need for better communication with Ward Councillors. The data could be presented in control charts, which may give a better perspective. A further review of voids requiring an investment decision was underway and recommendations for these properties would be made during Quarter 1 of 2023/24. The Director of Housing and Communities acknowledged the points made by the Committee.

Councillor E Lawrence raised the possibility of Cabinet Member attendance at this Committee in future along with the respective Directors. This was acknowledged by the Chair.

Councillor P Lowe supported a review and refresh of Key Performance Indicators and targets to ensure these were realistic and reported to the Committee in a more strategic way. There should be a focus on the Performance Indicators that had the most significant financial or strategic impact. The Chair supported a focus on those Key Indicators that highlighted consistent under-performance or had a significant impact.

The Chair referred to Performance Indicators 370 and 371 relating to sickness absence and queried the Council's approach to dealing with absenteeism. The Assistant Director People and Inclusion reported that there was no single solution to this issue and that the data needed to be viewed in the context of regional and national trends, including the reasons for absence and the profile of the Council's workforce. A range of actions were being taken corporately, including the timely intervention of Occupational Health and support to managers in dealing with both short term and long-term absences in line with the Council's established policies. The Chair referred to the financial impact of staff absence. Councillor P Lowe also referred to the regional and national context and the general reduction in the resources available to support managers and employees. A full report would be submitted to a future meeting taking account of the issues raised by the Committee.

Councillor S Ali referred to Performance Indicator 2473 (Square metres of highway defect repairs completed) and questioned the length of time taken to deal with potholes. Comments were made concerning the poor condition of roads in some areas, the quality of materials used and the general approach to dealing with potholes reported by Ward Members. It was agreed that this issue should be considered in more detail by the Highways and Environmental Services Select Committee. Benchmarking should also be undertaken with other West Midlands Councils.

With regard to the review of the Key Performance Indicators, the Chief Executive reported that some of the indicators were required nationally. Appropriate benchmarking could be undertaken with other local authorities subject to differences being acknowledged between individual authorities such as City and Metropolitan Borough Councils. Care needed to be taken not to 'drive' Performance Indicators too hard, which might have a negative effect. Indicators needed to remain realistic and achievable, in the context of resources available, whilst fully recognising the need for the Council to work smarter wherever possible and learn from good practice elsewhere in the country.

Councillor P Lowe supported the need to consider Key Performance Indicators more effectively and to identify significant areas of concern to be considered in detail by the appropriate Select Committee or Cabinet Member. The Chair supported a greater focus on a limited number of key strategic indicators and Councillor E Lawrence suggested that these should be aligned to the relevant Directorates. The Corporate Performance Manager indicated that the corporate performance report could be shared in its entirety and that Members could specify those areas they wished to focus on.

The Chair requested that a report be submitted in future on the issue of Procurement. Councillor S Ali referred to further consideration of the issue of Social Value and the Chief Executive indicated that this was an integral part of the Council's procurement processes.

In the context of regeneration, economy and tourism, Councillor S Ali questioned the current approach to packaging and selling the Borough as a whole. He also referred to the need for Dudley to receive fair funding and reduce areas of wasteful spending. The Chair referred to the importance of properly maintaining the Borough's green spaces. Councillor D Stanley referred to the effective promotion of the Borough's tourist attractions and events, whilst reviewing the continuation of events with poor attendance.

Councillor H Bills referred to Halesowen in Bloom and the benefits of the Halesowen Business Improvement District (BID), which could potentially be extended to other Town Centres. Councillor S Keasey acknowledged the comments, however, expressed the view that the Halesowen BID had been set up in a different financial climate.

Resolved

- (1) That Quarter 4 Corporate Quarterly Performance report, covering the period 1st January to 31st March, 2023, be noted.
- (2) That the proposals to review and refresh Key Performance Indicators be supported.
- (3) That further reports be submitted on the specific issues of sickness absence and procurement taking account of the issues raised by the Committee.
- (4) That the Highways and Environmental Services Select Committee be requested to consider Performance Indicator 2473 (Square metres of highway defect repairs completed) with specific reference to issues raised concerning potholes.

7 Questions Under Council Procedure Rule 11.8

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

The meeting ended at 8.10pm

CHAIR

Minutes of the Adult Social Care Select Committee

Thursday 13th July, 2023 at 6.00 pm
At Saltwells Education Development Centre, Bowling Green
Road, Netherton

Present:

Councillor L Johnson (Chair)
Councillors R Collins, T Crumpton, A Davies, M Hanif, A Hopwood, P Lowe, and
A Qayyum.

Dudley MBC Officers:

M Bowsher (Director of Adult Social Care), D Phillipowsky (Head of Adult Mental
Health) (Directorate of Adult Social Care) and H Mills (Senior Democratic
Services Officer) (Directorate of Finance and Legal).

Also in attendance:

Councillor M Rogers (Cabinet Member for Adult Social Care)
Councillors D Corfield and E Taylor (Invitees as Ward Members for Netherton,
Woodside and St Andrews)
J Griffiths – HealthWatch Dudley (Invitee)

1 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of
Councillors S Bothul, J Elliott and C Sullivan.

2 **Appointment of Substitute Member**

No substitute members were appointed for this meeting.

3 **Declaration of Interest**

Councillor T Crumpton, for transparency purposes, declared that his father-in-law resided in a Care Home which was funded by the Local Authority.

4 **Public Forum**

No issues were raised under this agenda item.

5 **Programme of Meetings and Business Items for 2023/24**

Members of the Committee considered the programme of meetings and potential items of business for the Adult Social Care Select Committee during 2023/24.

In referring to paragraph 9 of the report submitted, Councillor P Lowe, as a Member of the Overview and Scrutiny Committee commented on the reasons as to why the proposed consequential updates to the Council's Overview and Scrutiny arrangements were deferred. The importance in ensuring that the current call-in and scrutiny arrangements continued were emphasised, in that individual Select Committees, who had a specialised knowledge and experience, should be responsible for the scrutiny of any call-ins and budgetary implications relevant to their specific service area/directorate. It was recognised however that the scrutiny of Borough wide issues should be undertaken by the Overview and Scrutiny Committee.

The Director of Adult Social Care advised of a slight amendment to the programmed list of items as outlined in paragraph 4 of the report, in that the proposed agenda item in relation to Preparing for Adulthood was now suggested to be considered in January 2024, instead of March.

In referring to the proposed agenda item in relation Blue Badge Fraud, Members expressed concern in relation to the wording of the title. In response the Director of Adult Social Care advised that there were specific regulations for Blue Badges and misuse was defined as fraud. It was stressed that the report would not include any information to encourage fraudulent behaviour. Following deliberations, the title of the business item was suggested to be amended to Blue Badge Fraud, Process and Enforcement, to cover all aspects of the regulations.

Resolved

- (1) That the programme of meetings for 2023/24, be noted.
- (2) That subject to the comments referred to above, the business items as outlined in paragraph 4 of the report submitted, be noted and agreed.
- (3) That the Overview and Scrutiny Committee be recommended to continue with the existing arrangements for call-in and that the Medium-Term Financial Strategy report continue to be submitted to individual Select Committees for scrutiny.
- (4) That the Lead for Law and Governance, in consultation with the Chair and Vice-Chair, be authorised to make all necessary arrangements to enable the Select Committee to undertake its work during the 2023/24 municipal year.
- (5) That subject to any necessary amendments, as a consequence of resolution 3, the draft terms of reference for the Select Committee, as set out in the appendix to the report, be noted.

6 Progress Update with the Woodside Day Service

A report of the Director of Adult Social Care was submitted to provide an update on the Woodside Mental Health Day Service Provision.

The Director of Adult Social Care outlined the current position and in doing so commented that due to a recent break-in at the premises and as a result of a collapsed ceiling and water damage within the condemned part of the building, the reopening of the centre may be delayed. The poor condition of the building was referred to and the Director of Adult Social Care expressed concern with regard to the viability, cost and long-term appropriateness of the building.

The Head of Adult Mental Health advised that risk assessments had been undertaken on the premises, which had resulted in part of the building being condemned. The ceiling in that part of the building had since collapsed causing further water damage and dampness, which consequently impacted upon the fire alarm system for the whole building. All electricity and gas had been disconnected from the unused part of the building, therefore it proved difficult to dry out the area, so that the fire alarm system could be reset. The cost of the remedial work that had already been spent was outlined and it was emphasised that ongoing significant sums of money would be required to continue to maintain a 'status quo' and that the building at Woodside was not sustainable in its current form.

The Head of Adult Mental Health stated that moving forward the day centre would provide a 12-week strengths-based approach programme in conjunction with outreach groups in the local community including NHS, Dudley Integrated Health Care Trust (DIHC), Black Country Health Care and Dudley College. The criteria and process of who could refer into the service was outlined and Members were informed that the programme was designed to be portable and promote recovery, without being reliant upon a building and could be run from any venue. The criteria for the service was consistent with the Care Act.

It was reported that an assessment of previous users of the group had been undertaken to ensure that they were still eligible to access the provision. Pre-Pandemic, Woodside Centre had approximately 150 registered users, however following a formal review of need in line with the Care Act and based on the preference of attendees, only 19 had been identified as being eligible to access the provision at this stage. 15 previous users still awaited a review.

Following the presentation, Councillor D Corfield referred to the discussions and recommendations agreed at the former Health and Adult Social Care Scrutiny Committee held on 10th October, 2023, where the former Cabinet Member for Adult Social Care, in conjunction with the Director of Adult Social Care was recommended to seek a land valuation for the site and questioned whether this work had been undertaken. The Director of Adult Social Care confirmed that a land evaluation request had been submitted and committed to follow up the request with Corporate Landlord Services.

In responding to the concerns raised by Councillor D Corfield with regards to how the service was now portrayed, particularly as the previous provision had predominately been utilised by long-term users, and how this had impacted local residents and users, the Director of Adult Social Care confirmed that it was not the intention to diminish or dismiss the impact of mental health. The new arrangements were compliant with the Care Act and would provide preventative assistance. On-going support would be identified for individuals during their 12-week programme for them to use if required upon completion of the 12 week period. It was further commented that, whilst it was the desire for some of the previous users to return to the old Woodside format, quite a lot of former users wished to continue with their current arrangements.

Councillor E Taylor expressed concern with regards to the new criteria being used to assess service users and could not comprehend why a significant number of previous users were no longer eligible to attend. She expressed the concerns that had been communicated to her by service users, namely that they felt that they had lost all trust in the Local Authority; that the Local Authority was not listening to them and there was no care in system; they felt that they had been misled and not been told the truth and that they were being moved to become someone else's problem.

Councillor E Taylor further commented that if the existing building was no longer fit for purpose why had the provision not been relocated to an alternative venue within the vicinity to enable the same level of service that had previously been offered. Councillor E Taylor questioned the truth and accuracy of the information that had been provided by the Director of Adult Social Care and former Head of Adult Mental Health.

At this juncture the Director of Adult Social Care raised a point with the Chair. Whilst Councillor E Taylor had every right to challenge the re-opening of the service and criteria, it was not considered appropriate or professional to question the integrity and honesty of Officers. At the request of the Chair, Councillor E Taylor apologised for her remarks, although expressed a right to challenge the timescales taken to re-open the service and the new criteria.

The Director of Adult Social Care acknowledged that previous service users would feel anxious about the change, however alternative arrangements and support had been in place since the pandemic, although acknowledged not all users had taken up the offer of alternative support. It was also emphasised that the decision to retain the existing building had been a Cabinet level decision and that Officers from the outset had advised that the venue was not fit for purpose or sustainable.

The criteria used to assess service users had previously been shared with Members of the Committee and whilst it was recognised that some users had attended the provision for a significant length of time, the 12-week programme would allow for users to be assessed and for their individual needs to be identified and relevant next steps implemented.

Members were advised that it would be impossible for Woodside Day Centre to return to how it was formerly with the full range of woodwork activity, due to health and safety restrictions. However, a full range of activities had been adapted to ensure a best fit for what facilities were available. The programmed activities had previously been shared with the Committee.

In referring to why only 19 previous service users were now only eligible, the Director of Adult Social Care commented that service users' needs changed over time, as well as the demand for mental health support, therefore, to ensure all aspects of mental health were supported, the service also needed to change. Work would continue to rebuild relationships with service users, and he was confident that once the service was in operation the benefits of the new service would be evident.

In responding to questions and concerns raised by J Griffiths, in relation to the options available for long-term users, the Head of Adult Mental Health commented that the 12-week programme would provide measurable outcomes for individuals and would help identify their needs so that they could be signposted to a suitable service if required. It was commented that there were already facilities within the community that were similar to those previously offered at Woodside, therefore it was essential to work smartly with partner agencies to avoid duplication and to provide an holistic approach. A user may be re-referred to Woodside Day Centre at a later date should their needs change.

Following deliberations, the Director of Adult Social Care confirmed that a summary of the support that previous users were now receiving would be provided and suggested that it may be useful for the Committee to hear first-hand from users of the service following completion of their 12-week programme. It was recognised that the programme needed an opportunity to get established, and the matter should be revisited later in the municipal year.

Councillor P Lowe suggested that the Select Committee look at a whole system approach towards mental health to identify a long-term solution. It was stated that the Integrated Care Board could provide funding to support a fit for purpose solution should a genuine argument be demonstrated, that early intervention would result in less hospital admissions and other health benefits. It was recognised that the current Woodside building was not fit for long term use, and other areas within the same location should be explored.

The Cabinet Member for Adult Social Care assured Members that the provision would reopen on 24th July, 2023, if safe to do so.

Councillor T Crumpton referred to the social community aspect that had developed over time at Woodside and the importance that this continued. It was suggested that a café environment could be established somewhere close to Woodside to help keep the companionship and to alleviate loneliness.

Resolved

- (1) That the progress in re-opening Woodside Mental Health Day Service as a recovery focused preventative service be noted.
 - (2) That the Head of Adult Mental Health to develop partnership working to further develop and enhance the preventative offer.
 - (3) That a further report be submitted to a future meeting of the Select Committee, with consideration being given to ways of seeking service users' views on the service.
 - (4) That the Director of Adult Social Care pursue a land valuation for the current Woodside Day Centre site.
 - (5) That the Director of Adult Social Care provide a summary of the support currently provided to service users that are no longer eligible to attend Woodside Day Centre.
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7 **Quarterly Performance Report – Quarter 4 (1st January – 31st March, 2023)**

Members considered a report of the Director of Adult Social Care on the Quarter 4 Quarterly Performance report for the 2022/23 financial year covering the period 1st January to March 31st in accordance with the Council Plan.

During the presentation of the report, the Director of Adult Social Care advised that a Care Quality Commission (CQC) inspection was expected this year. An assurance exercise had been undertaken to help with outcomes for the CQC inspection and the details of that exercise would be reported to a future meeting of the Select Committee. The Director of Adult Social Care outlined the known key risk areas namely, sustainable care market and care homes and waiting lists. The assurance exercise had identified that the service was going in the right direction, but there were risks identified particularly with regards to the number of people waiting for a review and assessment, which was identified as an area of focus.

Arising from the presentation, Councillor P Lowe suggested that consideration be given to allocating a specific member to an identified risk to work with the relevant team to improve performance.

Resolved

That the Quarter 4 Adult Social Care Quarterly Performance report for the 2022/23 financial year covering the period 1st January to March 31st, be noted.

8 Questions under Council Procedure Rule 11.8

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

The meeting ended at 7.50 pm

CHAIR

Minutes of the Adult Social Care Select Committee

Thursday 7th September, 2023 at 6.00 pm
At Saltwells Education Development Centre, Bowling Green
Road, Netherton

Present:

Councillor L Johnson (Chair)
Councillor J Elliott (Vice-Chair)
Councillors R Collins, T Crumpton, A Davies, M Hanif, A Hopwood, A Qayyum,
C Sullivan and E Taylor.

Dudley MBC Officers:

M Bowsher (Director of Adult Social Care), D Phillipowsky (Head of Adult Mental Health) (Directorate of Adult Social Care), M Spittle (Head of Access and Prevention, Commissioning, Performance and Complaints), L Weaver (Assistant Team Manager – Blue Badge and Business Support Service), T Curran (Complaints Manager) and H Mills (Senior Democratic Services Officer) (Directorate of Finance and Legal).

Also in attendance:

Councillor M Rogers (Cabinet Member for Adult Social Care)

9 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors S Bothul and P Lowe.

10 **Appointment of Substitute Member**

It was reported that Councillor E Taylor had been appointed to serve as a substitute Member for Councillor P Lowe, for this meeting of the Committee only.

11 **Declaration of Interest**

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

12 **Minutes**

That the minutes of the meeting held on 13th July, 2023, be confirmed as a correct record and signed.

13 **Public Forum**

No issues were raised under this agenda item.

14 **Improvement priorities for adult social care mental health in Dudley Borough**

Members considered a report of the Director of Adult Social Care which provided an overview of improvement priorities for adult social care mental health in Dudley.

The Head of Adult Mental Health outlined the key improvement priorities, in particular referring to the work that had been undertaken to refocus on early intervention and prevention, with clear criteria, and entry and exit pathways into services established, which was compliant with the Care Act and was strength-based.

It was reported that teams would work with people to determine their individual needs, whom would then be signposted to the most relevant service that would meet their needs. The need to work co-productively and innovatively with local communities and in partnership with external agencies was emphasised to provide better preventative services, which would lead to better outcomes for those that use the services.

Alternative ways of accessing services had been explored, in particular, the use of technology to allow users to interact online, as well as in person, to maximise the offer and to reach as many people as possible with limited resources.

In referring to the Approved Mental Health Professionals (AMHP) Services, it was reported that the service had been reconfigured to maximise resources and the training offer available had been enhanced with six places available for the current academic year. The team consisted of five full time AMHP's with a further two positions currently advertised to ensure the team was more resilient. A permanent AMHP Team Manager post had also been established, and the vacancy would be filled imminently. New policies and procedures had been updated, implemented and communicated across the team, as well as published on the webpage. Training on Mental Health Services would be provided to all employees, to enhance their knowledge of the Care Act and interactive working.

As part of the comprehensive review of the workforce, key risks in compliance with statutory frameworks were identified, which included Section 117 reviews. Section 117 reviews are shared responsibility between the Local Authority and Health providers. It was reported that there were currently 953 cases identified that would be subject to Section 117 of the Mental Health Act, who were entitled to aftercare services to help prevent readmission to a psychiatric hospital. Work was ongoing to improve partnerships with health colleagues and to develop a joint review system to ensure the legal duty was met. Weekly meetings were currently held, and the risk had been recorded on the Local Authority's Risk Register. It was reported that Dudley was participating in a joint pilot project with Black Country Healthcare NHS Foundation Trust to strengthen data and increase joint reviews of Section 117 cases and it was anticipated that a draft policy would be in place by the end of the year, followed by a significant increase in review activity.

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

- a) In response to a comment made with regard to Section 117 compliance, it was commented that whilst there were in excess of 700 Section 117 cases in the Borough, many of which may no longer necessarily require access to Mental Health services as their condition could be stable, nonetheless it was a legal requirement for a written policy to be in place. The need for all Section 117 reviews to be treated sensitively was emphasised. Anyone who needed support in the meantime could access help from the Adult Social Care Mental Health Team.
- b) The Head of Mental Health confirmed that Woodside Centre had reopened on 21st July, 2023 as planned, with only one concern received from a former user of the provision. Feedback from users of the service would likely be available from December 2023, following completion of the first twelve-week programme and would be submitted to the Committee accordingly. All feedback would be reviewed, and changes to the eligibility criteria and process would be implemented if required.
- c) In responding to comments and concerns raised by Councillor A Davies with regards to the use of technology to allow users to interact online and how far this would be progressed, Members were assured that the use of technology would be used in cases where there may be a temporary delay in a person accessing the twelve week programme, as an interim measure, or for those users who may find it difficult or experience high anxiety to attend face to face sessions straight away. There was no intention to make technology a default provision in its own right and would be used as one of a range of options.
- d) In response to a question raised by Councillor E Taylor it was stated that the number of individuals in each twelve-week programme group would depend on the individuals and the dynamics of the group, although it was recognised that the numbers needed to be sufficient for the groups to be effective.

- e) Councillor T Crumpton expressed concern with regards to staffing resources and budgets allocated to the service. He expressed concern of staff lone-working and the long hours staff were required to work to deliver services. Assurance was requested with regards to employee's safety when conducting home visits and if support was provided from other Directorates. In response, the Head of Mental Health stated that primary focus was on working smarter and collaboratively with health partners, in particular Black Country Healthcare NHS Foundation Trust to alleviate duplication and to ensure existing resources were used efficiently and effectively. It was considered that there were no reasons as to why joint visits could not be undertaken to alleviate sole working and to provide holistic intervention. The Council has a lone worker policy to enable safe working practices for lone workers.
- f) In responding to a further comment from Councillor T Crumpton as to how elected Councillors could support the team and help capture community and voluntary services that may be able to provide support, the Director of Adult Social Care advised that the Dudley Community Information Directory provided details on services available within the Borough. Should any Member be aware of any further services available which were not included, these could be shared directly with the Director of Adult Social Care to explore further.
- g) The Director of Adult Social Care commented that the service did the best that it could with available resources. Concerns were raised with regard to a number of Approved Mental Health Practitioners nearing the end of their career and the need for their knowledge and experience to be shared with new employees and for enhanced training to be provided to all staff, however the budget for training was limited. It was recognised that mental health cases had increased, with more high-end complex cases requiring support and it was considered a balancing act to ensure the correct level of care was provided within resource constraints.
- h) Arising from a question from Councillor M Hanif with regards to training, the Head of Mental Health confirmed that training was accredited at university level. Post qualification training on legal updates could be provided by a Barrister, however there was no inhouse training provided.

Resolved

- (1) That the progress in delivering improvement in adult mental health in Dudley, be noted.
 - (2) That the views of the Select Committee be taken into account by the Head of Adult Mental in the ongoing programme of improvement activity.
 - (3) That further work be undertaken to enhance the approved mental health professional provision.
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15 Blue Badge Fraud, Process and Enforcement

A report of the Director of Adult Social Care was submitted to provide an update on the process of blue badge applications, fraudulent usage data and trends and enforcement methodology and impact.

Arising from the presentation of the report, members asked questions, made comments and responses were provided as follows:-

- a) Councillor J Elliott referred to the twelve warning letters that had been issued during the reporting period and questioned what constituted a warning. In response, the Assistant Team Manager – Blue Badge and Business Support Service stated that each case was reviewed on its own merit, however an example of a warning may be when an users badge had expired and not renewed, however the individual was still eligible for a blue badge.
- b) In responding to questions raised regarding collaborative working with highways, the Assistant Team Manager – Blue Badge and Business Support Service, confirmed that the team did work closely with the Highways team, who were responsible for permitted parking bays, although it was reported that blue badge holders were not eligible to park in permitted parking bays.
- c) Arising from a comment made by Councillor M Hanif with regards to guidance on how to use a Blue Badge, it was confirmed that guidance was included on the back of the badge, as well as a booklet provided when the badge was first issued.

- d) In response to a question raised by Councillor E Taylor with regard to short term usage, it was stated that blue badges were time limited, however due to the on-going delay in operations some badges were issued for a three year period, with the proviso that should the users condition/disability improve prior to the expiry date, the blue badge would be rescinded.

Resolved

That the progress of the Blue Badge Service and Enforcement, be noted.

16 Change in Order of Business

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

Resolved

That Agenda Item no. 9 – Adult Social Care Complaints, Comments and Compliments, be considered as the next item of business.

17 Adult Social Care Complaints, Comments and Compliments

Members considered a report of the Director of Adult Social Care which provided an overview of the Adults Social Care Complaints Annual report for the period 1st April, 2022 to 31st March, 2023.

In presenting the report, the Complaints Manager provided a breakdown of the number and type of complaints received, the timeframe in which these were responded to and data on how many were upheld or partially upheld in comparison with previous years.

Overall, it was reported that there had been a decrease in the number of complaints received and performance for responding to complaints was consistent with the previous year.

Arising from the presentation of the report, Members commented positively on the information contained in the report and commended the Directorate on the high level of service that was evidently provided, which resulted in the low number of complaints received.

In response to a question raised by Councillor A Davies, the Complaints Manager confirmed that should a complaint be received in relation to another Directorate, the complainant would be contacted in the first instance to advise that this would be forwarded to the appropriate Directorate for a response. In cases where complaints related to multiple service areas, the service area with the leading role would act as the principal lead and correspond with all other services to provide a collaborative response.

The Director of Adult Social Care advised Members that an Awards Event for the Directorate had been arranged for December 2023 and would be held at Himley Hall. The event invite would be extended to include Members of the Select Committee.

Resolved

- (1) That the contents of the report be noted.
- (2) That publication of the Adults Social Care Complaints Annual Report, in line with statutory requirements, be endorsed.
- (3) That the Democratic Services Officer, on behalf of the Select Committee, send a letter of thanks and appreciation to the Directorate of Adult Social Care.

18 Care Quality Commission (CQC) Inspection and Readiness Review

A report of the Director of Adult Social Care was submitted to provide an overview of the Care Quality Commission Inspection regime for Adult Social Care in Local Authorities and the preparation work that was being done in readiness for an inspection in Dudley and to provide feedback from the recent West Midlands Association of Directors of Adult Social Care (WM ADASS) readiness review that had recently been conducted.

The Director of Adult Social Care presented the report in detail, outlining the governance and assessment framework used to regulate health and adult social care, as well as highlighting the key risk areas for Dudley to ensure that Dudley was Care Act compliant and that the best possible Adult Social Care service was provided to residents of the Dudley Borough.

It was reported that everyone was playing their part to drive the improvement plan to ensure the service was where it should be with regards to improvement and resources, although with no additional funding received. Numerous groups had been established to feed into the Continuous Improvement Group to ensure as many perspectives were gathered and incorporated.

It was identified early in the process that there was a lack of vision for the Directorate. Multiple staff engagement events were held to develop an Adult Social Care Vision which is now actively promoted via social media and discussed with external stakeholders.

On 5th and 6th July, a CQC Readiness Review was conducted and to review preparedness for a CQC Inspection, with an executive summary provided which indicated that there was clear evidence of significant pace and progress in readiness for a CQC Inspection. The readiness review acknowledged that performance, particularly in relation to waiting lists required further improvement, with more pace required with regards to annual reviews and progress with reviews was identified as being the greatest risk. Further work was also required to ensure Corporate and Political awareness of current performance and risk.

The Director of Adult Social Care advised that an improvement plan had been developed and was being embedded within the directorates work. The key areas identified for improvement as defined by the Readiness Review were being prioritised, in particular the reduction of waiting lists and Deprivation of Liberty Safeguards, to ensure that the service was compliant with the Care Act and to enable resources to be managed consistently. It was emphasised that at this moment, the Directorate was not fully Care Act compliant due to the waiting lists as articulated within the report.

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

- (a) Councillor T Crumpton referred to the lack of cohesion within Council Directorates, not just referring to Adult Social Care. He also referred to the current scrutiny arrangements operated at Dudley, which he considered to be inadequate, and which had not improved for a number of years and requested if additional information/guidance could be provided to support Committee Members with their Scrutiny role and responsibilities.

In responding, the Director of Adult Social Care agreed to provide Members with Local Government Association guidance for Adult Social Care Scrutiny and Safeguarding, together with tips and guidance for the CQC preparation. The Director of Adult Social Care reminded Members that performance data was reported to the Committee on a routine basis and encouraged Members to scrutinise all waiting lists to ensure risk was appropriately managed and that there was sufficient pace and responsiveness from the service.

- (b) Arising from a question raised by Councillor Crumpton with regard to nursing homes and residential homes for older people and how the Local Authority supported these provisions, the Director of Adult Social Care commented that the Marketing Sustainability and Improvement Fund was introduced in 2022 to support Local Authorities to make tangible improvements to adult social care, in particular to build capacity and improve market sustainability. A report on the topic would be submitted to the next meeting of the Select Committee, but ultimately the fund would enable the Local Authority to ensure that provisions were adequately supported, without causing financial implications to the Council. The Director of Adult Social Care acknowledged that there were significant issues with sustainability in the residential and nursing care sector and further investment would be required to ensure sufficient choice, quality and sustainability of the care provision.

Resolved

- (1) That the contents of the report and the requirements for the CQC inspection, in particular the Quality Statements, be noted.
- (2) That the key risks and improvement priorities identified, be noted.
- (3) That the implications of a CQC inspection and the potential impact for people who use care and support, Adult Social Care in Dudley and the Council's reputation, be noted.

- (4) That the continuation to ensure that people of Dudley who use care and support continue to have the right level of support and are safeguarded, be endorsed.
- (5) That the Director of Adult Social Care provide Select Committee Members with government guidance to support them in the scrutiny role with regards to Adult Social Care Scrutiny and Safeguarding.

19 **Adult Social Care Select Committee Progress Tracker and Future Business**

Resolved

That the Adult Social Care Select Committee Progress Tracker and Future Business, be noted.

20 **Questions under Council Procedure Rule 11.8**

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

The meeting ended at 7.40 pm

CHAIR

Minutes of the Children's Services Select Committee

**Wednesday 19th July 2023 at 6.00 pm
At Saltwells Education Development Centre,
Bowling Green Road, Netherton, Dudley**

Present:

Councillor K Lewis (Chair)
Councillor D Bevan (Vice-Chair)
Councillors H Bills, R Collins, J Foster, M Howard, P Lee, S Ridney, D Stanley,
C Sullivan and M Webb; R May (Co-opted Member)

Officers:

C Driscoll (Director of Children's Services), K Graham (Service Director of Children's Social Care), M Palfreyman (Head of Education Outcomes and Inclusion), S Thirlway (Service Director Education, SEND and Family Solutions) and K Buckle (Democratic Services Officer)

1. Welcome and Introductions

The Chair welcomed Members and Officers to the meeting and all those present introduced themselves.

2. Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors C Bayton and A Hughes.



3. **Appointment of Substitute Members**

Councillors J Foster and H Bills were appointed as substitute Members for Councillors C Bayton and A Hughes respectively for this meeting of the Committee only.

4. **Declarations of Interest**

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

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

5. **Minutes**

Resolved

That the minutes of the meeting held on 13th March 2023, be confirmed as a correct record, and signed.

6. **Public Forum**

No issues were raised under this agenda item.

7. **Programme of Meetings and Business Items for 2023/2024**

The Committee considered the programme of meetings and items of business for detailed consideration by this Select Committee during 2023/24.

In referring to the suggested items for inclusion Members made the following comments, suggestions, and observations: -

- (a) Councillor S Ridney referred to the item to be considered at the meeting of the Committee in January 2023 regarding the role and responsibilities of the Private Sector Housing Team, suggesting that this should refer to the Local Authorities Housing Section and cover a wider remit including domestic violence and the position in relation to re-housing those suffering from domestic violence.

- (b) Councillor J Foster, referred to a recent report submitted to the Audit and Standards Committee, quoting the comments from the Ofsted report and the decline of the quality of Children's Services, with their responses to challenge being too slow and asked whether the Committee were confident that business included what needed to be scrutinised, and whether it was planned to question the Cabinet Member for Children's Services on not prioritising the needs of vulnerable children.

In response, the Director of Children's Services referred to the detailed reports that were submitted to the Children and Young People Scrutiny Committee on the progress made to date, which had included details of previous Ofsted reports referring to the decline of services from 2018 to 2022. Those reports had referred to the considerable progress made with services during the previous 18 months and improvement work which had resulted in the Department for Education (DfE) expressing that they were confident in the progress made and removed Children's Services out of supervision in January 2023.

Following this there had been the launch of the Family Safeguarding Model during the previous week which was one of the key items covered in the Ofsted report and it was confirmed that Members would continue to receive reports on the improvement work moving forward.

- (c) Councillor D Stanley referred to the item of business on Care Leavers accommodation and the need to have a policy whereby flooring and carpets are not removed from council properties prior to letting them, as some of the floor coverings would be suitable for young people and would save money on replacing them. It was suggested that a representative from Housing Services be requested to advise what was offered to care leavers when considering that item.
- (d) Councillor S Ridney requested that Care Leavers accommodation be considered at an earlier meeting of the Committee, rather than at the end of the municipal year, with a proposal that the Car Free Streets scheme item be considered at the meeting in March 2024.
- (e) R May suggested that the Education report be considered at the November meeting.
- (f) The Chair requested that the offer to Members to attend visits to Family Centres and the Multi Agency Safeguarding Hub continue.

- (g) The Chair requested that all Elected Members be offered Safeguarding Training and there followed the request that Disclosure and Barring Service (DBS) checks for all Elected Members be updated.

In response the Director of Children's Services confirmed that the requests would be considered further.

- (h) R May suggested that by way of good practice, DBS checks be carried out every three years, whilst confirming that there were no official expiry dates for such checks.

Resolved

- (1) That the report on the programme of meetings and potential items of business for this Committee, be noted.
- (2) That the item entitled 'the role and responsibilities of the Private Sector Housing Team' include the Local Authorities Housing Section, cover a wider remit including domestic violence and the position in relation to re-housing those suffering from domestic violence.
- (3) That Care Leavers Accommodation and issues relating thereto be considered at the meeting to be held on 16th November 2023.
- (4) That the car free streets scheme outlining the advantages and disadvantages be considered at the meeting to be held on 11th March 2024.
- (5) That the Education Report be considered at the meeting held on 16th November 2023.
- (6) That, subject to resolutions (2) to (5) above, the Committee confirm the programme of business as outlined in paragraph 4 of the report submitted, subject to the need for flexibility to reflect any changes that might arise during the municipal year.
- (7) That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2023/24 municipal year.

- (8) That the terms of reference for the Children's Services Select Committee, as set out in the Appendix to the report submitted, be noted.
 - (9) That the Director of Children's Services be requested to: -
 - (a) Arrange meetings for Members to the Children's Services Family Centres and Multi Agency Safeguarding Hub.
 - (b) Provide an offer of Safeguarding training to all Elected Members.
 - (c) Consider the request that Members Disclosure and Barring Service (DBS) checks be updated.
-

8. **Education Report**

Members considered a report of the Director of Children's Services updating the Committee on Education Outcomes.

The Committee were requested to note the contents of the report and highlight any areas where additional scrutiny would be welcomed.

The Head of Education Outcomes and Inclusion presented the report submitted referring to the data contained therein, advising that 2022 was the first-year post covid that secondary school data had been published and the progress for school outcomes was above the national average. Primary school data had not been published, with that data being released during the Autumn Term. There was the intention to examine the secondary school exam data in August and report on that further to Members.

The data in relation to absence and attendance was outlined including that data for those pupils with Special Educational Needs and Disabilities (SEND).

An attendance plan had been rolled out during the previous year and attendance data was in line with the national average.

In relation to school improvement the Local Authority's direct duty was to maintained schools and the Dudley School Improvement Strategy Approach 2022/23 as contained in paragraph 14 to the report submitted was noted.

There was now a 10-point plan for the rag rating system, which provided a clear indication of which schools required intervention. Four secondary schools had required improvement and had subsequently been judged as good and several academies had requested the support of the authority with school improvement work continuing.

Headteacher Liaison/Network Development Meetings were now taking place as a central part of the improvement strategy on a half termly basis.

There was a Graduated Provision Model in mainstream schools for the delivery of education to children with SEND which had been developed, with particular emphasis on mainstream delivery and intervention. The model required mainstream schools to consider from the outset what early support was required, what targeted support was required and then the requirement for special interventions.

Adaptive Teaching training to highlight and raise the importance of meeting individual need had been implemented. This would change the way the curriculum was delivered in mainstream schools.

There was also the development of base provision on mainstream sites for SEND pupils, providing a programme of learning integral to their needs.

From a national perspective a number of schools were running under a licensed deficit, with different connotations emerging from Academy Trusts who were companies in their own right, with some entering into bankruptcy and there was no way to underestimate how schools were currently struggling financially, with the cost-of living-crisis impacting on schools due the soaring energy costs which had increased by 400%.

Ofsted inspections continued in line with the expected schedule and there had been 20 inspections since the start of the academic year. Maintained schools continued to perform well and over the preceding six months. 84% of maintained primary school were now good or outstanding along with 100% of secondary and special schools.

Where concerns were raised about inspections or performance in terms of academy schools, although the Authority had little jurisdiction over their improvement journey concerns were still raised with the DfE.

The Ofsted Update in April 2023 in relation to all school settings as contained in the report submitted were referred to.

It was clarified that in relation to the Ofsted update for September 2022 to April 2023, the nine graded inspections related to those schools that had been inspected previously, the 11 ungraded were those schools that had been inspected for the first time.

It was noted that post covid behaviour had impacted on schools by non-compliance for those pupils who were disadvantaged, poverty aspirations for the future and the cost-of-living crisis.

Although there was a national problem with school attendance, Dudley did perform better than the national average in school attendance data.

There were mental health issues resulting from the constraints during covid and continuing to live with the legacy of covid and there still remained parents who did not feel safe sending their children to school.

Arising from the presentation of the report submitted, Members raised questions and responses were provided by Officers as follows: -

(a) R May referred to the number of exclusions from Academy Trusts.

The Head of Education Outcomes and Inclusion confirmed that conversations would continue with the DfE and Academy Trusts in relation to any exclusions.

The report would be amended in so far as the status of St. Joseph's Catholic Primary School, Stourbridge, was concerned as this formed part of a Multi Academy Trust.

(b) The Vice-Chair referred to the fragility of education, which remained reliant upon the good will of staff members to support parents and families with covid being the catalyst for many problems, tearing families apart and children witnessing this. Pupils were being collected by school minibuses to attend their GCSE examinations when failing to attend.

(c) Councillor S Ridney referred to the continuing financial pressures in schools, with the majority of financial budgets utilised to meet staff salaries. There were many children with Special Educational Needs and learning difficulties that had resulted from them not being in school for a two year period, with those children unable to cope at school and form friendships. Added to this were financial pressures

with school budgets being further impacted upon by the increases in salaries rising from those budgeted at 3% to a further 3.5%. There continued the need to monitor the situation closely although attendance figures were increasing, with school readiness remaining problematic.

- (d) The Vice-Chair advised that pupils were unable to converse with teachers in school and had behavioural problems that parents were unable to deal with and were looking for support from schools and teachers as to how to deal with such behaviour.
- (e) Councillor H Bills recognised that staffing costs had long been an issue and referred to the fact that Halesowen's Family Centre was in Lye and was a distance from those residents in the Halesowen North area of the Borough.
- (f) Councillor J Foster congratulated Brockmoor Primary School's grading escalating to good following improvements.

The Director of Children's Services referred to the development of localised provision within maintained schools which had translated into better Ofsted judgments which had been greatly assisted by the work of the Head of Education and Inclusion.

- (g) R May enquired whether Dudley used any additional resources to improve schools.

The Head of Education and Inclusion referred to his small team utilising a five-point action plan to assist with bringing additional support to schools working in collaboration with those schools, making a bespoke offer to the schools needs with support being offered by other schools should the need arise.

Resolved

That the contents of the report on Education Outcomes, be noted.

9. **Family Safeguarding Update**

A report of the Director of Children's Services was submitted providing an update on the progress with the implementation of the Family Safeguarding Model.

The Service Director Children's Social Care presented the report submitted advising that the Family Safeguarding Model was a practice adopted by Hertfordshire County Council with the Model evidencing that children's needs were better met and on a more expedient basis.

The DfE were keen to see authorities work within the method the Model provided.

Dudley was the 19th Authority to adopt the Model of working and had acquired funding to do so, with public health funding the capacity to employ the adult workers to provide that support to children and families and adopt the Family Safeguarding approach across all family safeguarding.

Hertfordshire County Council had visited Dudley on 25th June 2023 to conduct an up-to-date health check in relation to the launch of the new model of working and confirmed that they were positive with Dudley's approach.

Dudley had attended a Safeguarding conference the previous week, representatives of which were very complimentary of the multi-disciplinary team working being conducted by Dudley, to reduce the number of children in need of protection and the number of children in need of becoming looked after.

The Dudley Family Safeguarding Partnership Charter and the commitment of those who were signed up to the Charter was referred to and the partners that had signed up to the Charter included Dudley Integrated Health and Care, Dudley Council for Voluntary Services, the Black Country Integrated Care Board, the Probation Service, Dudley Safeguarding People Partnership, West Midlands Police, Black Country Women's Aid and Black Country Healthcare NHS Foundation Trust.

All staff had met at the Council's Corbyn Road facility for both inductions and as an introduction of all staff to each other which also included staff from the Probation Service, and it was noted that no other Authority had gone live with the Family Safeguarding Model with adult workers in post apart from Dudley.

Advanced work was underway with partners to determine the impact of working in new ways had on communities and although it was known that Hertfordshire Country Council had conducted work retrospectively, Dudley wanted to articulate as a partnership as the work happened and how that work impacted on communities.

The inspirational front door Multi Agency Safeguarding Hub (MASH) would include Family Health Conferences whilst still focusing on early help from Family Hubs.

Care experienced young adults had contributed to the re-design of the service, as the Family Safeguarding Model of service would include provision for those moving from care into permanence with adult services being offered.

Staff numbers were reported upon including those Advanced Practitioners and Social Workers who had been appointed and it was noted that staff would meet to share experiences of working.

Care experienced young people had also been involved in interviews and there was the commitment to involve them in all interviews for staff within Children's Services in the future.

Saturday sessions had taken place with young people which included a combination of activities including an escape room with these providing an opportunity to receive feedback from those present. Staff had expressed their appreciation for the sessions which in their words were really helpful.

The staff consultation on the redesign had closed on 24th May 2023 and overall, the staff were supportive of the changes with no major challenges to the final structure. The final interviews had been conducted on the day of the meeting.

The DfE had agreed to fund some multi-agency system changes and they had commented positively on the redesign work, which was testament to Dudley's delivery and conviction.

Dudley had purchased, configured, and tested the 'Workbook' plug-in for the Liquid Logic Children System with system training being provided, the electronic recording system had been shared with a national team and was recognised nationally as a good approach to recording.

A Family Safeguarding Scorecard had been developed. Data was baselined at the end of March 2023, and this was the position against which impact would be measured. Work was to be conducted with Birmingham University's PhD student support to gather data and measure impact.

In relation to Family Safeguarding Scorecard teams, the data would be set against a child determining permanency, reducing Court proceedings/attendance.

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

- (a) Councillor D Stanley referred to the need for accountability and future reports to be submitted to the Committee on improvements following the redesign.

The Director of Children's Services referred to the fact that the Family Safeguarding model of working went live on 10th July 2023, and it was therefore too soon to say what difference the service changes had made, however assurances were provided that the scorecard referred to above would be shared with the Committee on a regular basis.

- (b) Councillor P Lee enquired about training for Foster Carers.

The Service Director Children's Social Care stated that much work was being conducted through Fostering Support groups and other fostering networks.

- (c) Councillor S Ridney asked how the difference to children and young people would be evidenced.

The Service Director Children's Social Care reported that it should be evidenced by the reduction in the number of children and young people requiring social work intervention.

The Director of Children's Services referred to the first formal national evaluation by the DfE which evidenced that every authority that had implemented the model had seen a significant reduction in children in care and as everyone was aware the outcomes for children in care were worse than those in the general population, therefore avoiding taking children into care provides better outcomes for children and young people and reduces the need for Child Protection Plans.

Family Safeguarding also provided the opportunity to work with those parents who were struggling in a non-stigmatised method.

It was noted that Elected Members could still make referrals into the service, however there was the desire to work with the community and make community services the most obvious form of support with Family Hubs providing a pivotal role for the support and services.

The Director of Children's Services advised that Halesowen Library were already providing family outreach work.

- (d) R May expressed his appreciation for the passion and confidence of Officers and stated that he hoped the new model would assist with the retention of staff.

The Service Director Children's Social Care advised that one of the huge benefits of the Family Safeguarding Model was the retention of social workers and adult workers.

- (e) R May referred to the two-year funding, requesting assurance that the funding would not be withdrawn.

The Director of Children's Services stated that she was convinced based on evidence that the new model would work and when looking at the resource spent on expensive residential placements even a small reduction in the number of children in care would reduce that resource. There was evidence to support reductions in accident and emergency attendances for mental health services reducing pressure from public services, that were under pressure, with that money saved from children in care being invested further in children's services in the future.

- (f) The Chair referred to Phase II of the new model and the timing of implementation.

The Director of Children's Services in referring to Phase II advised that this would include the area of the work of the Service Director of Education, SEND and Family Solutions, with an open and transparent consultation with all staff being launched on 5th September 2023.

The Director also confirmed that every authority who had adopted the Hertfordshire Family Safeguarding Model had improved their Ofsted grade at their following inspection, as the model has positively impacted on outcomes for children, with Hertfordshire Country Council having an outstanding Ofsted grade.

Resolved

That the information contained in the report submitted on the Family Safeguarding update, be noted.

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

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

The meeting ended at 7.30pm

CHAIR

Minutes of the Children's Services Select Committee

**Monday 11th September 2023 at 6.00 pm
In Committee Room 2, The Council House, Priory Road,
Dudley**

Present:

Councillor K Lewis (Chair)
Councillor D Bevan (Vice-Chair)
Councillors C Bayton, H Bills, R Collins, T Crumpton, P Lee, S Ridney, D Stanley, C Sullivan, and M Webb.

Officers:

M Abuaffan (Acting Director of Public Health), T Curran (Complaints Manager), K Graham (Service Director of Children's Social Care), S Thirlway (Service Director Education, SEND and Family Solutions) and K Buckle (Democratic Services Officer).

Also in attendance:

O Topping (Contractor Public Health Trainee)

11. Welcome and Introductions

The Chair welcomed Members and Officers to the meeting and all those present introduced themselves.

12. Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors A Hughes and M Howard; R May and T Reid.



13. **Appointment of Substitute Members**

It was reported that Councillors H Bills and T Crumpton had been appointed to serve as substitute Members for Councillors M Howard and A Hughes respectively for this meeting of the Committee only.

14. **Declarations of Interest**

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

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

15. **Minutes**

Resolved

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

16. **Public Forum**

Although no issues were raised by the public under this agenda item, Councillor S Ridney requested an update in relation to reinforced autoclaved aerated concrete (RAAC) materials in schools.

In response the Service Director Education, SEND and Family Solutions confirmed that RAAC had been identified in one school in the borough and that was confined to the boiler area and had not resulted in any students being displaced.

In response to further queries raised by Councillor S Ridney, the Service Director Education, SEND and Family Solutions undertook to consult with the Council's Corporate Landlord Services in relation to schools building condition surveys and the regularity of those being carried out, and in relation to academies he was confident that the construction would not be of a lower standard than those in maintained schools.

Corporate Landlord Services would also be consulted on whether they held any condition surveys for academies.

Resolved

That the Service Director Education, SEND and Family Solutions be requested to consult with Corporate Landlord Services in relation to the regularity of school condition surveys and whether they hold surveys for academies.

17. Children's Services Committee Progress Tracker

The Chair referred to the progress tracker detailing the recommendations and actions from the previous meeting and requested Members to contact the Directorate of Children's Services should they wish to attend any facilities such as the Multi Agency Safeguarding Hub (MASH).

There followed a detailed discussion in relation to Disclosing and Barring Service (DBS) checks with there being a consensus that all Elected Members should have an enhanced DBS check every three years and these should be carried out by the Local Authority.

The Service Director Children's Social Care suggested that it would be useful to invite J Branch, Assistant Director People and Inclusion to a future meeting to determine the position in relation to DBS checks as there were national guidelines outlining when enhanced DBS checks would be required. J Branch could also provide details of the criteria required.

The Chair referred to the future business for 2023/24 and a request was made for an item on how Child Friendly Dudley was progressing to be added to future business.

The Service Director Education, SEND and Family Solutions confirmed that he could feed back some of the narrative and provide an update on Child Friendly Dudley from the current lead, N Burrows and undertook to discuss the possible date that this could be considered at a future meeting with the Chair.

Resolved

- (1) That the information contained in the Children's Services Progress Tracker, be noted.

- (2) That the Democratic Services Officer be requested to invite J Branch to a future meeting of the Committee to determine the position in relation to DBS checks for Members and details of the criteria required.
 - (3) That the Service Director Education, SEND and Family Solutions be requested to discuss with the Chair the possible date of a future meeting to submit a report on Child Friendly Dudley.
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18. **Children's Social Care Complaints, Comments and Compliments Annual Report 1st April 2022 to 31st March 2023**

Members considered a report of the Director of Children's Services on the Annual report for the period 1st April 2022 to 31st March 2023.

It was noted that every Local Authority with a responsibility for Social Care Services was required to provide an annual report in relation to the operation of the complaints and representations procedures.

The statutory process was a three-stage process and for a complaint to be registered under that process certain criteria must be met as set out in the statutory guidance.

Corporate complaints were those that fall outside the statutory process. That was where the complainant would not meet the requirements to be considered under the statutory process. Those cases were registered and processed under the two-stage corporate process.

The Complaints Manager referred to the headlines contained in the report submitted including the number of complaints received across the 28 teams, and the comparative data for 1st April 2022 to 31st March 2023 and the previous year reporting period.

It was noted that there had been a slight decrease in the number of statutory complaints upheld or partially upheld.

Details of Corporate complaints that fell outside the statutory process were referred to and the two-stage corporate process. The details of Corporate Complaints and the teams to which those complains related were contained in the report submitted.

It was noted that 22 comments had been received and one complaint had proceeded to stage three.

Details and numbers in relation to Ombudsman cases were noted.

It was reported that in relation to statutory timescales overall 49% of complaints were dealt with within those time scales.

Members also noted that 40 Special Educational Needs and Disability complaints had been received for the current reporting period, compared with 44 for the previous reporting period. 14 were upheld, 12 were not upheld and 14 were partially upheld.

- (a) Councillor C Crumpton although expressing his appreciation for the work of the complaints team referred to page 27 of the report submitted, advising that although the data stated that there had been a decrease in the number of statutory complaints more complaints had been received for the current reporting period than the last.

Councillor C Crumpton referred to page 33 of the report submitted referring to the chart and the number of complaints that had been upheld or partially upheld stating that the figures did not equate.

Page 37 of the report submitted was also referred to and it was stated that although the number of SEND complaints had decreased compared to the previous year, the report stated that complaints had increased. The chart below was also questioned as it was noted that only 28 had been upheld or partially upheld.

Concerns were raised in relation to the proportion of complaints that were either upheld or partially upheld, and the number of Ombudsman complaints that were upheld.

Delays in assessments were a point of further concern and there followed a request for an executive summary of the complaints received, the reasons why and any learning from those complaints and subsequent resolutions.

- (b) Councillor C Bayton supported Councillor T Crumpton's comments asking whether if the complaints received were similar to last year; was there a trend and how was that being addressed.

The Service Director Children's Social Care responded stating that this was a particular area for a statutory requirement to produce the report, however other formats for future reports could be considered and Members may wish to consider a learning report through the Centre for Professional Practice annually to facilitate discussions regarding complaints and practice.

Councillor C Bayton confirmed a learning report would be useful and requested that the report include case studies in order to support future learning and subsequent changes to services.

Resolved

- (1) That the Children's Services Complaints, Comments and Compliments Annual Report 1st April 2022 to 31st March 2023, be approved.
- (2) That the Director for Children's Services be requested to submit annual reports on learning in relation to complaints through the Centre for Professional Practice.

19. **Quarterly Performance Report 2023/24 – Quarter 1 (1st April to 30th June 2023)**

The Service Director of Education, SEND and Family Solutions presented the report submitted referring to the five key indicators for Children's Services contained in the report, with two evidencing that services were travelling in the right direction and one continuing to be maintained.

In relation to the two indicators that were not travelling in the desired direction, in relation to 16 to 18 olds who were not in employment, education or training (NEET) numbers were increasing, however the number of young people formerly on returns was reducing and the increase in numbers was not unusual as young people moved from statutory school age and follow up action was taken to ascertain what the desired destinations were for that cohort of young people.

Those follow up enquiries in respect of NEET's would also identify where there was the need to target interventions to support young people into a positive destination.

Therefore, the current position of the key indicator was not unusual at the current stage in the academic year and that trajectory should start to change as the year progressed.

The Service Director Children's Social Care referred to the Performance Indicator in relation to the percentage of agency social workers reporting on the increase in employing agency social workers in view of the considerable challenge to fill vacancies.

The Local Authority had witnessed a reduction in the number of posts without a social worker from 24.2% in January 2023 to 12.6% in June 2023. That reduction had followed a period in which agency social workers did not wish to work for Dudley.

It was noted that the Director of Children's Services had taken the regional lead for recruitment and retention of social workers and had also taken the lead to hold authorities to account collectively across the region.

- (a) Councillor T Crumpton commented positively on the increase in Social Workers and enquired whether recruitment and retention allowance had resulted in the increase.

The same member referred to the large number of children who remained out of education due to the pandemic who were below the age of 16 and enquired about the numbers of those aged 16 to 18 who had failed to return to education following the pandemic who were now NEET.

The alternative provision provided by Juniper was referred to and it was stated that they had capacity to help with those children post 16 to access alternative provision.

In responding the Service Director Education, SEND and Family Solutions concurred that the pandemic had a significant impact on children struggling to re-engage with education and was a real phenomenon. This remained a national issue and there was increased focus on what was necessary to deal with school attendance issues.

The Department for Education (DfE) had determined that no further funding would be attached to additional requirements to deal with school attendance, and work was ongoing on how to engage with all schools and provide assurances that those schools were ensuring attendance support and guidance were provided to those children, and responding to families who required support.

In relation to alternative provision undertaking a holistic review would be undertaken as it was recognised that alternative provision should only be used for short periods of time to support children to re-engage with their schools. There was the need to ensure that the correct alternative provision estate was in place to re-engage children back into education.

- (b) Councillor C Bayton referred to the position with agency social workers, confirming that the verbal presentation had put the written commentary into context.

Resolved

That the information contained in the Quarterly Performance Report 2023/24 – Quarter 1 (1st April to 30th June 2023), be noted.

20. Child Poverty

The Committee considered a report providing a summary of child poverty in Dudley, and information on initiatives in Dudley to support families living in poverty.

The Acting Director of Public Health referred to the recommendations contained in the report submitted and the current Dudley picture. Families with a relative low income below 60% and those with an absolute low income of below that percentage rate were also referred to.

Members were referred to the ward map and it was noted that the dark areas contained on the map were those of the most deprived areas and the lightest areas were those areas that were the least deprived and it was also noted that St Thomas's ward was the most deprived in the borough.

The cost-of-living crisis in Wales was outlined with poverty being a longstanding issue with almost a third of children living in low-income households and it was estimated that 45% of households were experiencing fuel poverty.

The report highlighted three areas of good practice with targeted interventions being developed including Leeds City Council and Havering Council.

Dudley's Strategic Mitigating Poverty Group coordinated the system wide action to prevent and mitigate poverty and in relation to child poverty local coordination of national initiatives currently supported the following initiatives: -

- Free School Meals
- Holiday Activity and Food
- The Household support Fund
- The Black Country Food Bank
- The Brierley Hill Baby Bank
- Dudley Cost of Living Hubs

A Child Poverty Needs Assessment had been undertaken which focused on prevention.

The Family Hubs provided support for the start of life of a child, school readiness and reducing teenage pregnancy.

There was a focus on providing non-accredited employment skills, improving the possibility of obtaining employment for those engaging with those courses.

The three-point plan to mitigate poverty was outlined.

It was noted that the percentage of those living in poverty in each ward had been calculated from national data, from the census and any prevention work would take five to seven years to impact and provide long term sustainable results.

- (a) Councillor C Bayton asked whether much more granular information was generated.

The Acting Director of Public Health advised that to provide super outputs would require further consultation with the intelligence team to ascertain the possibility of obtaining that more detailed information, as that information could involve personal data.

- (b) Councillor D Stanley referred to the need to investigate how positively to deal with the high figures referred to in the report submitted and the need to target those individual wards. Concerns were expressed in relation to the high numbers of children living in low-income households in the St Thomas's ward and whether schools were consulted in relation to any concerns with families.

The Acting Director of Public Health agreed with the observations made above and advised that work had commenced in schools in relation to poverty proofing schools to provide mentoring skills and intervention. However, there was the need to ascertain the most appropriate way to approach those who were not adaptable to change, and an action plan was to be produced to focus on those high priority areas.

- (c) Councillor D Stanley expressed the need to address families' immediate problems.

The Acting Director of Public Health stated that the Needs Assessment would produce details of general trends in relation to immediate needs.

- (d) Councillor S Ridney expressed concerns in relation to the percentage of children living in low-income households in all wards in the borough and expressed the need to work with health and housing partners to provide more contextual information. Concerns were also expressed for those families that were just above the benefits threshold who were struggling financially.

In relation to Pupil Premium, it was stated that the Premium contained caveats as to what it could be utilised for and who could access it.

- (e) Councillor H Bills referred to a six-week uniform exchange programme that had taken place in her ward and expressed concerns in relation to the escalating number of families accessing the service during the current year as opposed to the previous year. She also expressed the need to work with schools to limit the cost of school uniforms and enter into more uniform exchange programmes.

Concerns were also raised that the Housing Support Fund was never available, with the funding being exhausted almost as soon as it was available.

The Acting Director of Public Health agreed with the comments and observations made and the need to influence and work with schools requiring a whole systems approach.

The Service Director for Education, SEND and Family Solutions agreed with the sentiment, however advised that schools could not be directed by the Local Authority, but assurances were provided that schools continued to be engaged with and that included school governors. Work was continuing on how schools were taking into account poverty and the impact that was having on families, with the response to child poverty involving a whole skills workforce, working with employers, colleges and universities providing a systemic and localised response.

- (f) Councillor T Crumpton welcomed the initiative in relation to the Brockmoor and Pensnett ward involving the Dudley Group of Hospitals NHS Trust to upskill people in that area, advising that some areas had an extremely low level of housing stock and there was the lack of communication with some wards. There was also a lack of youth workers.

The Acting Director for Public Health referred to the need to learn how to interact with communities which would result in an in-depth approach to influence communities. In the Lye area there was a desire to address community cohesion and tension in the first instance and to develop skills that would require proceeding through the equal opportunities process.

An evaluation would take place in relation to the Brockmoor and Pensnett and Brierley Hill Ward project.

- (g) Councillor D Stanley referred to previous work conducted by the St Thomas's Network which made a small impact on the local area and the Wheels-on-Wheels project for young people and the need to investigate past experiences and the impact those projects had.

Resolved

- (1) That the information contained in the report submitted on child poverty, be noted.
- (2) That the development of a system wide strategy be supported.
- (3) That the encouragement of system participation in the strategic mitigating poverty group be supported.

21. **Children's Services Phase Two Redesign.**

A report of the Director of Children's Services was submitted updating Members on the proposals put forward in relation to Children's Services Phase Two redesign.

The Service Director Education, SEND and Family Solutions presented the report submitted referring to the two-stage process of the Children's Services re-design with phase one being completed in June and subsequently going live in July 2023, which implemented the new safeguarding family arrangements.

Phase two concerned education, SEND and family solutions. A consultation had commenced with all staff on the morning of the committee and the report submitted would provide members with the opportunity to comment and reflect on the changes proposed across children's services, and the direction the services are continuing in relation to their improvement journey.

The re-design would provide the best possible outcomes for children and although it was acknowledged that there were financial pressures the re-design was not solely in relation to reducing staffing resources but to re-apply and ensure services were best positioned to provide positive outcomes for children and young people.

The focus on workforce planning and development assurances as contained in the report submitted were referred to.

It was stated that the education outcomes support was not purely regarding academic outcomes but to provide a broader approach to delivering services, with consideration taking place on how to amend and adapt some services. A review was also underway on how the Connexions service worked.

The review would also be reflective around attendance at school duties that were now in place.

In terms of services for SEND re-amalgamation with disability services would be implemented with one head of service.

In relation to re-issuing Education and Health Care Plans (EHCP's) more posts were to be created to better manage that capacity.

Also, by transitioning into SEND, children with disability services would provide more coherent management by transitioning that to the responsibility of the Service Director for Education, SEND and Family Solutions.

It was reported that Family Solutions would focus on the implementation and delivery through Family Hubs ensuring it was a community-based service. There would also be management of a high-quality youth service along with Family Hubs.

There would be no change to the Virtual School whilst continuing to respond to national changes.

Alongside the vision that 'the child would be at the heart of everything we do' that would continue to be developed along with the Child Friendly Dudley programme.

Changes were proposed in the volumes of roles in different areas with some staff being placed at risk of redundancy. Moving forward staff would continue to be supported either into other roles or in terms of re-deployment within the Local Authority.

There were 31 staff at risk of redundancy however it had become apparent that some would be assimilated into new roles.

It was reported that following the implementation of the phase one re-design only two members of staff were made redundant through their own choice and there was confidence that the implementation of phase two would see a similar outcome.

As part of the consultation there would be individual service meetings with staff placed at risk of redundancy. The consultation would run for 30 days until 11th October 2023 during which time staff could raise comments, questions, and queries. There was the aim to implement the new arrangements in December 2023.

Staff had also been signposted to other support services, as it was recognised that staff and the skills, they had were the Directorate's greatest asset.

The Service Director Education, SEND and Family Solutions confirmed that the only change to the Tipton Road facility was in leadership management.

- (a) Councillor P Lee referred to the staff that were at risk of redundancy, raising concerns in relation to the impact that would have on the remaining staff.

In response the Service Director Education, SEND and Family Solutions advised that the current consultation exercise would result in some level of anxiety, however support for staff had been offered from the outset and it was right and proper to alert those staff of the possibility of redundancy whilst providing support and guidance to those staff.

Resolved

That the report submitted on the Children's Services Phase Two Redesign, be noted.

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

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

The meeting ended at 8.05pm

CHAIR

Minutes of the Climate Change Select Committee

Monday 24th July 2023 at 6.00 pm
At Saltwells Education Development Centre,
Bowling Green Road, Netherton

Present:

Councillor P Dobb (Chair)
Councillor T Russon (Vice-Chair)
Councillors C Bayton, C Eccles, J Elliott, S Henley, S Keasey, N Neale and
A Tromans.

Dudley MBC Officers:

S Griffiths (Democratic Services Manager) and S Essex (Democratic Services
Officer)

Also in Attendance:

Councillor D Corfield (Cabinet Member for Highways and Environmental
Services)

Councillor Dr R Clinton (Cabinet Member for Climate Change)

T Weller and M Richards (Members of the public attended by invitation)
Together with 6 other Members of the public

Introduction by the Chair

The Chair welcomed everyone to the first meeting of the Climate Change
Select Committee and invited all attendees to introduce themselves.

1 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor C Barnett.

It was noted that a vacancy on this Committee had been filled by Councillor N Neale.

2 **Appointment of Substitute Members**

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

3 **Declarations of Interests**

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

4 **Programme of Meetings and Business Items for 2023/24**

Mr M Richards queried the change of the Committee's title. It was noted that a new structure of Overview and Scrutiny/Select Committees had been agreed at the Annual meeting of the Council in May 2023.

Councillor C Bayton expressed disappointment that this meeting did not have a full agenda of scrutiny items. The Chair advised that several substantive agenda items had been requested for this meeting, however, these had been deferred for various reasons. It had been agreed to continue with this meeting to consider the future work programme.

A detailed discussion took place regarding future agenda items and reference was made to the following points:

- Councillor C Bayton requested details on the Borough Strategy, including measurements to show Dudley's journey and how this correlated with the wider work in the Combined Authority region. The West Midlands Combined Authority had set 2041 as their target for Zero Carbon. The Council needed to work collaboratively across the Black Country and the West Midlands Combined Authority area and consider how progress and performance on Key Performance Indicators was reported back to this Committee.
- Councillor C Bayton requested that the Grant Register be included as a future agenda item and that a monitoring process be implemented. Significant funding was channelled through the West Midlands Combined Authority and it was essential that Dudley had a business plan for their share of the funds.
- Councillor C Bayton requested that consideration be given to pre-decision scrutiny to ensure that relevant items were submitted to this Committee in time for comments to be considered in advance of decisions being made by the Cabinet or the Council.
- Mr T Weller referred to the Black Country Cycle-Walk Mudway. Over several years, emails had been received from Officers indicating that overgrown vegetation would be cut back and a temporary surface laid down on the muddy and waterlogged parts in the Dudley borough. However, this work had not been undertaken and the Committee's support was requested to address this matter.
- Mr T Weller referred to a possible site of special scientific interest (SSSI) at Daniels Land, Merry Hill. The Committee was requested to support the appointment of a qualified person to carry out an ecological survey on this site. Councillor C Eccles believed that this site had been earmarked for housing and that it was the responsibility of the landowner to carry out a survey. Mr T Weller asked for an Ecology Officer from DMBC to consider this and report back to the Committee.
- Mr T Weller requested a report to a future meeting on the situation concerning the High Plateau site at Brierley Hill.
- Mr T Weller expressed a view that there should be a trial of bus/business lane on dual carriageways and that commuters should be rewarded with free bus travel to reduce car usage. This would improve road congestion and reduce greenhouse gasses.

- A member of the public asked if Members of the Committee had been required to undertake Carbon Literacy training. Whilst this was not a mandatory requirement, it was recommended that all Councillors should undertake Climate Change training. It was noted that West Midlands Combined Authority had developed training provision that could be explored further.
- Councillor A Tromans referred to citizens assemblies and the continued use of weed killers. The Chair asked that suggested agenda items be submitted to the Chair and Vice-Chair by email.
- Councillor S Henley considered that it was important for actions in the Council's strategy to be given clear timescales and implementation dates. However, it was noted that any actions to contribute to reducing greenhouse gas emissions should be implemented immediately. General comments were made concerning the prioritisation of the Committee's future work programme to focus on achievable outcomes.
- Following a discussion on what actions local councils should be taking to achieve net zero, the Chair indicated that the Carbon Reduction Plan/Achieving Net Zero was scheduled for discussion at the November meeting. The Chair agreed for this item to be brought forward to the meeting of the Committee on 14th September, 2023.
- Reference was made to outcomes of the 'Your Borough, Your Future' survey undertaken in 2022. The Chair would request a progress update.
- In response to the progress update on the use of pesticides and maintaining the Borough's Green Spaces, the Chair advised that trials were ongoing and the January 2024 meeting would be the first opportunity to discuss the report. A member of the public asked if spraying around schools, parks and play areas could be ceased as a precautionary measure. This was, however, considered unlikely as the probable response was that the current spray was licensed in the United Kingdom. Councillor A Tromans asked for a recommendation to cease the introduction of quad bikes to speed up weed control in Dudley.
- Reference was made to work previously undertaken with West Midlands Combined Authority relating to domiciliary/care workers using electric fleet cars rather than their own. The Chair indicated that this would be covered in other agenda items such as viability of working from home, cycling and the Travel Card Scheme.

- Further reference was made to the need to focus on priorities such as reducing domestic emissions, loss of heating, fuel poverty, the issue of retrofit and supporting vulnerable people.
- Reference was made to the omission of a Nature Restoration Strategy from the Committee's agenda.

Resolved

- (1) That the report on the programme of meetings and potential items of business for this Committee, be noted.
- (2) That the Chair and Vice-Chair and Officers consider the comments, suggestions and recommendations as set out above in developing the Committee's work programme for the 2023/24 municipal year.

5 Public Forum

The following points were raised under this agenda item:

- Mr T Weller commented positively on the inclusion of Public Forum agenda items and requested support to encourage the West Midlands Combined Authority to increase public participation in meetings.
- Mr T Weller commented that for several decades there had been a lack of discussion or votes in the seven West Midlands Councils regarding spending and progress on the Midland Metro development. He requested that this be queried with the West Midlands Combined Authority and appropriate Cabinet Member.
- In response to a query from a member of the public, it was confirmed that the composition and membership of this Committee was decided at the Annual Meeting of the Council. Seats were allocated in line with legal rules on political proportionality. Nominations were then received from each political group.
- A member of the public requested further clarity on the general policy/strategy of the borough relating to tackling climate change. For example, issues such as home energy savings, air quality, sewage and development on the green belt should be reflected in the priorities. The Chair stated that all key issues should be reflected in the Borough Strategy.

- The Chair confirmed that an action tracker would be included on future agendas for this Committee.
- Reference was made to Public Health and Emergency Planning, including provision for Climate Emergency Centres. Greater awareness was required of preparedness for emergencies and the measures being put in place. Councillor C Bayton advised that there was an Emergency Planning Team in the Council (Public Health). A member of the public commented that this team needed to be more visible.
- A member of the public suggested that the Council should promote its commitment to tackling Climate Change on the front page of the Council website.
- Mr T Weller commented on the Black Country Urban Forest project and requested an Officer of the Council report back to this Committee on the locations and number of trees that have been planted.

Resolved

That the issues and comments raised during the Public Forum, as set out above, be noted and that the Chair, Vice-Chair and relevant Officers consider the points raised in developing the Committee's future work programme.

6 Questions Under Council Procedure Rule 11.8

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

The meeting ended at 7.25pm

CHAIR

Minutes of the Climate Change Select Committee

**Thursday 14th September, 2023 at 6.00 pm
in Committee Room 2, The Council House,
Priory Road, Dudley**

Present:

Councillor P Dobb (Chair)
Councillor T Russon (Vice-Chair)
Councillors C Barnett, C Bayton, M Dudley, C Eccles, J Elliott, S Henley, D Stanley and A Tromans.

Dudley MBC Officers:

F Mahon (Head of Energy, Sustainability & Climate Change), G Scholes (Interim Lead for Climate Change), N McGurk (Acting Service Director – Neighbour Delivery), J Deakin (Head of Waste and Fleet Operations), N Lissimore (Transport and Highway Services – Transport Strategy Manager), S Edwards (Waste, Fleet and Licensing – Project Manager), S Cooper (Head of Corporate Landlord Services), M Yates (Project Design and Delivery Manager), K Jones (Director for Housing and Communities), M Lyons (Contractor – Interim Lead – Compliance and Building Safety) and G Gray (Democratic Services Officer)

Also in Attendance:

Councillor Dr R Clinton (Cabinet Member for Climate Change)
Councillor D Corfield (Cabinet Member for Highways and Public Realm)
Mr T Weller and Mr M Richards (Members of the Public by invitation)

Together with 7 members of the public.



7 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors D Borley and N Neale.

8 **Appointment of Substitute Members**

It was noted that Councillor D Stanley had been appointed as a substitute Member for Councillor D Borley, for this meeting of the Committee only.

9 **Declarations of Interests**

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

10 **Minutes**

In referring to Minute No. 4 – Programme of Meetings and Business Items for 2023/24, Councillor Bayton commented that the matters arising from the action points raised in the minutes and including her request that the Grant Register be scheduled within the Programme of Meetings and Business Items.

In referring to the Minutes, Mr M Richards commented that he was of the view that the Minutes did not reflect the lengthy discussion that had taken place at the meeting regarding the Borough strategy.

Resolved

That, subject to the amendments and comments made above, the minutes of the meetings held on 24th July, 2023 be approved as a correct record and signed.

That the matters arising from the Minutes be actioned and that the Grant Register be included within the Programme of Meetings and Business Items.

11 **Transport Fleet Services**

A report of the Acting Service Director – Neighbourhood Delivery was submitted to provide an update on the Council's Fleet services and to consider future options for its fleet management responsibilities, commensurate with the Council's financial and environmental policy objectives.

The Acting Service Director – Neighbourhood Delivery provided an overview of the report and outlined the current vehicle replacement programme and advised that the fleet was made up of a diverse range of vehicles, the majority of which were run on Diesel fuel.

It was noted that the current strategy for fleet replacement was to maximise the service life of the vehicles with a replacement cycle of 7 to 10 years, however, there was a need for an effective fleet strategy and vehicle replacement program. It was advised that vehicles with alternative fuels were being looked into, however, the procurement of vehicles would be a big undertaking and presented its own challenges.

There were insufficient Electric Vehicle (EV) charging points, therefore, there was a need for an infrastructure to be put place in readiness for Distribution Network Operators (DNO's) together with a strategy and understanding regarding the best method to obtain vehicles with low carbon emissions.

Arising from the report, Members asked questions and made comments. Responses were provided where appropriate as follows:-

- a) In response to a query raised by Councillor C Eccles, the Acting Service Director – Neighbourhood Delivery clarified that there had not been any electric vehicles purchased since Dudley had declared the Climate Change Emergency in 2020.
- b) In response to a comment made by Councillor C Barnett regarding the Waste Strategy, the Acting Service Director – Neighbourhood Delivery advised that the strategy would entail considerable planning. There were a number of factors to be considered including procurement of vehicles, ensuring not to over purchase, the capacity to charge EV's and that the Council only had capacity at present to charge 2 EV Waggon. Therefore, in view of this, it was essential that adequate infrastructure be put in place together with a proposed phased plan.

- c) Councillor C Eccles referred to the EV Waste vehicle trials and queried whether these vehicles had sufficient power to lift heavy bins onto Waggons.

The Acting Director – Neighbourhood Delivery advised that the company Lunaz was being used to carry out trials to upcycle and electrify current vehicles. The Waggons that were being trialled were charged overnight and were able to cover one and a half rounds and were returning to the depot with 35% battery life. It was clarified that the lifting of bins onto Waggons would not significantly affect the battery life during collections.

- d) Councillor C Bayton although welcomed the ongoing trials, raised concerns that Dudley had proposed to be carbon neutral by 2030 and that there had been no further information, plans or list of priorities provided regarding the strategy and requested that further information be provided regarding plans on reducing the Council's Fleet.

In response the Acting Director – Neighbourhood Delivery advised that a new Climate Change team had been established together with a newly appointed Head of Energy, Sustainability and Climate Change, who would be working on future plans. It was clarified that all aspects of the service including the Council's Fleet, would need to be considered as a whole to identify how services could be operated more efficiently and would tie in with an overall phased plan including the reduction of the Council's Fleet.

- e) Councillor D Corfield commented positively on the progress Officers had made regarding the Council's Fleet and stated that vehicles being used were Euro 6 diesel compliant. There was a vision to reduce energy from waste and for the fleet to be self-sufficient by producing green waste such as green hydrogen to fuel and power vehicles, which provided scope to use other Council's waste and electric.

Councillor D Corfield also commented that there were no capabilities at present to charge EV's and that it was important that an infrastructure be established to accommodate this going forward. The trials for upcycling and recycling current fleet to EV's were welcomed and advised that should the trials be successful, the waste collection process would be looked into and that longer/double collections of waste could be considered.

- f) Mr T Weller expressed a view that the Council's fleet used for general waste could be cut back by reducing collections to once a fortnight and suggested for Members to consider this going forward.
- g) Councillor D Stanley noted that 52% of the UK's transport emissions were from privately used cars and was of the view that Members should be utilising public transport to lead by example and cut down emissions.
- h) Councillor T Russon referred to green hydrogen fuelled vehicles and acknowledged that an infrastructure that was driven by data would need to be developed to incorporate green hydrogen fuelled vehicles and to reduce the Council's fleet. Councillor T Russon also welcomed the use of Euro 6 diesel fuelled vehicles.
- i) The Interim Lead for Climate Change advised that there were a number of options for the Waste Plant to deliver low emissions, however, it was considered that the Energy from Waste Strategy and infrastructure would take time to implement, and that consideration would need to be given to the current delivery of services and costs. A Power Purchase Agreement (PPA) had been put in place and further decisions were being made to enable Council fleet to be powered locally. It was advised that further plans would be submitted, which would capture the implementation of an EV fleet.
- j) Councillor D Corfield stated that a five-year plan was being looked into to ensure the services evolved moving forward. It was noted that fortnightly collections and making recycling more efficient could be considered.
- k) Councillor C Barnett there was the need for a Waste Strategy to reduce general waste and energy.
- l) In response to queries raised by Councillor M Dudley regarding the collection of recycling waste, contamination and food waste plans, Councillor D Corfield advised that operators needed to look at waste to alleviate contamination, however, once data had been collected through the current trials of vehicles, the fleet can be specifically set up to utilise vehicles for one use.

The Head of Waste and Fleet Operations clarified that the main source of contamination was moisture from cardboard and that recyclable waste would not be collected should there be contamination. It was advised that continued work was being carried out to educate and advise residents of the type of waste that could be recycled.

- j) Councillor T Russon commented that he had attended the Environmental Services and Solutions Expo and considered that Green Hydrogen would be revolutionary and that it would be an advantage to tailor vehicles for purpose.
- k) Councillor D Corfield reiterated that the feedback from the trials of the EV's had been positive and that EV's were proving to be more efficient.
- l) The Waste, Fleet and Licensing – Project Manager commented that within the last seven years, vehicles were being re-managed to Euro 6 diesel and were being upcycled, which extended the use of the vehicles.

Resolved

That the information contained in the report submitted, and as reported at the meeting on the update on the Council's Fleet Service and the future options for its fleet management responsibilities, commensurate with the Council's financial and environmental policy objectives, be noted.

12 Electric Vehicle Charging Infrastructure

A report of the Acting Service Director – Neighbourhood Delivery was submitted to present the current progress on all matters associated with public Electric Vehicle Charging Infrastructure across the Dudley Borough.

The Transport Strategy Manager provided an overview of the report and in doing so advised that there was a need for a charging infrastructure network to be put in place.

It was advised that funding had been awarded from the Office of Zero Emission Vehicles (OZEV) for the purpose of installing on-street charge points for residents that wished to charge their plug-in Electric Vehicles (EV's). Following an initial assessment of potential locations, the Council had identified for the first phase of approximately 51 different locations across the Borough for potential installation of double charge points with the aim to install 284 charge points by 2025 following future phases.

A consultation exercise with Ward Members and residents had been carried out to identify priority locations for the first phase of installation and had received positive feedback.

It was noted that further requests to locate charge points within the Borough would increase following members of the public obtaining more Electric Vehicles (EV's). It was stated that charge points would be placed outside properties without driveways, as this was considered to be cost effective and would require planning control.

It was advised that work had commenced to identify suitable Council operated public car parks in Dudley together with other Black Country Authorities for the provision of suitable EV charging equipment.

Reference was made to the Local EV Infrastructure (LEVI) Fund, which focussed on community charging hub sites across the Borough. Early design options were being drawn up to deliver a future-proofed neighbourhood community EV charging hub in Enville Street, Stourbridge. Members were encouraged to advise officers of any other potential sites that may be suitable within their wards.

The Transport Strategy Manager commented that a working group had been established with the Cabinet Member for Climate Change, which had carried out work to obtain the funding needed.

It was noted that there was a good geographical spread of the locations identified for charging points and that there would be further updates going forward, however, there was a need for support from Members and residents to implement charging points.

Arising from the report submitted, Members asked questions and made comments. Responses were provided where appropriate as follows:-

- a) Councillor C Eccles referred to the charge points, which allowed vehicles to be charged for a number of hours and questioned how vehicles being charged overnight and obstructing properties would be monitored.

The Acting Service Director – Neighbourhood Delivery advised that there would be some challenges with cars being parked outside properties overnight, however, it was believed that intelligence would be received from the charge points should cars be parked for a significant length of time.

- b) Councillor D Stanley raised concerns regarding anti-social behaviour targeting cars that were being charged overnight.

The Transport Strategy Manager advised that there was good national surveillance. There would always be a potential risk for cars being parked on streets at night and the Council would acquire more information once the initial first phase had been carried out.

- c) In responding to a question raised by Councillor C Barnett in relation to whether Western Power would be supplying charge points, the Transport Strategy Manager advised that Western Power had acknowledged the business plan submitted by Dudley, that viable locations had been identified based on set criteria to install charge points, however, there would be various challenges due to high costs.
- d) In response to a question raised by Councillor C Barnett regarding whether there would be significant disruption during installation, the Transport Strategy Manager stated that it had been suggested for contractors to install 2 charge points per day, which would inevitably cause some disruptions.
- e) Councillor J Elliott referred to Council offices, depots, car parks and sports facilities being equipped with charge points by 2025 and how many would be installed.

In responding, the Transport Strategy Manager advised that the main charge points would be public facing on street and that the main charging equipment would be installed for the Council's fleet.

- f) In response to a question raised by Councillor C Bayton concerning the roll out of charge points around Council stock, the Transport Strategy Manager explained that Auxiliary (AUX) sites were not targeted, that some charge points would be installed around Council flats and properties and that this would be looked into in more detail after the first phase.

- g) In responding to a comment made by Councillor C Eccles regarding measures to slow the growth of the number of vehicles in use across the Black Country, the Transport Strategy Manager stated that Transport West Midlands were responsible to manage public transport and that there were issues surrounding the loss of Bus services due to Covid 19 and fuel price increases.
- h) A query was raised by Councillor S Henley regarding whether the size of the on-street charge points would create mobility issues for disabled people.

The Transport Strategy Manager clarified that the charging points were designed to be compact with a requirement to allow the size of a double buggy to pass. It was advised that charge points could go out onto carriage ways and would be protected so they would not be damaged.

- i) Mr T Weller expressed a view that there had been a significant amount of money spent on metro trams and considered that money would be better spent towards upgrading public transport. Mr Weller also commented that young people should be rewarded with free bus travel to reduce car usage.

Resolved

That the information contained in the report submitted, and as reported at the meeting, on all matters associated with public Electric Vehicle Charging Infrastructure across Dudley Borough, be noted.

13 Environmental Impact on Council House Refurbishment

The Committee received a presentation from the Head of Corporate Landlord Services together with the Project Design and Deliver Manager on the Environmental Impact on Council House Refurbishment. In presenting the information it was reported that the refurbishment was a work in progress and that there were a number of grants that had been obtained to fund ongoing work as outlined in the presentation submitted.

It was noted that the refurbishment of the Council House had presented a number of challenges, which included the Council House being Grade 2 listed heritage status, that the building was a live operational building and civic hub, grant funding conditions, capital funding constraints including tender prices and the increase in energy costs. Reference was made to grant funding conditions and that the Council would need to report information to providers every 2 to 3 years.

The Project Design and Delivery Manager reported that the lighting upgrade had commenced prior to the refurbishment of the Council House. It was advised that existing florescent lighting tubes had been replaced with Light Emitting Diode (LED) lighting and that 400 lamps had been changed within buildings, which provided a saving of 19 tonnes of carbon per annum.

Reference was made to the installation of Boiler Optimisers that were designed to reduce the amount of time the boiler would burn gas without affecting the temperature of the building and that the boilers were linked to the Building Management System (BMS). The BMS controlled individual room temperature and timings, which allowed for individual zones of the buildings to be controlled and adjusted daily.

It was explained that 4 air source heat pumps had been installed at 4 Ednam Road, which transferred heat from outside air into water and was used for heating the building. The heat pumps were also linked to the BMS and saved 69.4 tonnes of carbon per year.

Passive Infrared Sensor (PIR) automatic lighting had been installed by the use of the European Regional Development Fund (ERDF) grant, which detected absence in office areas and detected any presence within corridors and toilet areas to minimise leaving lights on.

The Project Design Deliver Manager referred to the installation of heat recovery ventilation and in doing so advised that the ventilation warmed incoming cold air, therefore, this provided free heat and minimal electrical use.

The Head of Corporate Landlord Services outlined other items that had contributed to the refurbishment as set out in the presentation submitted.

Reference was made to the site management and conditions to contractors whilst the refurbishments were being carried out, which included a minimum of 80% local supplier engagement.

Future initiatives were being looked into, which included electric vehicle charging points, secondary glazing, sustainable vehicle fleet and exploring new products such as thermal paint which would reduce the amount used to refurbish buildings.

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

- a) In response to a query raised by Councillor C Bayton in regard to secondary glazing at the Council House, the Head of Landlord Services advised that the Council House was a Grade 2 listed heritage building and funding had been requested previously, however, it was unsuccessful.
- b) The Head of Landlord Services commented that the main focus had been on refurbishing the Council House, however, work had been undertaken on some older buildings, which had provided their own challenges. It was noted that 3-5 St James's Road building would be earmarked for future work.

It was noted that there were 10 main offices, 2 of which were old schools and consideration would need to be given going forward to reduce building stock.

- c) In responding to a query raised by Councillor C Barnett concerning whether the current boilers were being converted to accommodate alternative power sources, the Head of Landlord Services advised that the boilers that had been retained were gas boilers, however, it was considered that it may be possible that the boilers could be run on alternative gas power such as hydrogen.
- d) Councillor C Barnett referred to what extent employees were working from home rather than traveling to work at Council offices, the Head of Landlord Services explained that there was an Estate Strategy in place, which would continue to evolve, and that data available to measure staff coming into buildings, when and where they logged on and it was found that the majority of staff were using agile working, in particular colleagues who lived outside of the Borough.

It was noted that 3-5 St James's Road and 4 Ednam Road buildings were not completely occupied on a day-to-day basis and it was felt that this would need to be rationalised. It was considered that hubs or drop in workspaces would be more beneficial.

- e) In responding to a question raised by Councillor C Eccles regarding whether there was a need for 4 Air Source heat pumps together with the Boiler Optimisers, the Head of Landlord Services clarified that heat pumps and boiler optimisers were installed as a back up should one source fail to generate heat.
- f) Further to a question raised by Councillor C Eccles regarding the possibility of installing Photovoltaic (PV) solar panels on Council buildings rather than the use of Heat Pumps or Boiler Optimisers, the Head of Landlord Services advised that not all Council buildings were structurally suitable to take Solar Panels.
- g) Councillor D Stanley commented that the Council House building was unique in its design and character and any future refurbishments, in particular the installation of windows, would need to be in keeping with the style of the building.
- h) In response to a comment made regarding obtaining materials locally, the Project Design and Delivery Manager commented that the majority of materials were being sourced within the Borough, however, there had been issues where some materials were not made within the Borough therefore these would need to be sourced abroad.
- i) Mr T Weller commented positively on the alterations made to the refurbishment buildings and raised a question regarding second glazed windows being installed at the Council House. In response the Head of Landlord Services indicated that they would need to consult with Pilkington Glass regarding second glazing, however, consideration would need to be given to the issues surrounding the Grade 2 listed Heritage status and the installation of new windows at the Council house would need to be done sensitively.

Resolved

That the information contained in the presentation submitted, and as reported at the meeting, on the Environmental Impact on the Council House Refurbishment, be noted.

14 **Net-Zero Neighbourhood and Additional Sustainability Measures**

Resolved

That the Chair requested that the report for Net-Zero Neighbourhood and Additional Sustainability Measures be deferred to the next meeting of the Climate Change Select Committee.

15 **Climate Change Select Committee Progress Tracker and Future Business**

Resolved

That the Climate Change Select Committee Progress Tracker and Future Business, as outlined in the report, be noted.

16 **Public Forum**

A member of the public welcomed the information provided at the meeting in particular the information regarding the Council House refurbishment. The member of the public raised concerns regarding the lack of progress made on action plans since Dudley had declared the Climate Change Emergency in 2020 and it was considered that a clear plan be put in place, which outlined any impact on the public.

In response Councillor T Russon commented that work was being undertaken by Officers to obtain relevant data to include within the action plan and once data had been collated information could be provided on areas that would need to be considered.

Mr M Richards raised concerns on the progress made since Dudley had declared the Climate Change Emergency and considered that there was a lack of engagement with residents on Climate Change and reducing carbon footprint. Mr Richards expressed a view that, given the significant population of the Borough, residents would be open to implement changes should information and guidance be provided.

In response the Acting Service Director – Neighbour Delivery advised that there were discussions around fleet and other significant work, which included street lighting and travel schemes, which would be included within the action plan. The Acting Service Director – Neighbourhood Delivery acknowledged that engagement with the public was essential and there was a need for different areas, including websites and social media to be looked into to help improve communications and educate residents.

The Head of Energy, Sustainability and Climate Change clarified that a new team had been established, which were continuing to work on websites, information and that engagement activities would be included within the action plan.

Mr Richards commented that due to the Climate Change emergency, it was believed that residents would respond to clear information should it be rolled out to the public.

Mr T Weller suggested that the free magazine sent out to residents be utilised to provide information on Climate Change and educate residents on how to reduce their carbon footprint.

In responding to a query raised by Mr T Weller regarding the tramways, the Cabinet Member for Climate Change advised that any outcomes would be put to the Cabinet meeting and could be discussed under Public Forum at these meetings.

A member of the public commented positively regarding the information presented on the Council House refurbishment and considered that it was imperative that any action plans should focus on the outcomes and impact on the Climate Change emergency.

17 **Questions Under Council Procedure Rule 11.8**

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

The meeting ended at 8.05pm

CHAIR

Minutes of the Corporate and Economic Strategy Select Committee

Wednesday, 12th July, 2023 at 6.00 pm
At Saltwells Education Development Centre, Bowling Green Road, Netherton

Present:

Councillor D Stanley (Chair)
Councillor S Henley (Vice-Chair)
Councillors A Aston, R Collins, A Davies, M Hanif, A Hopwood, E Lawrence, T Russon (From Minute No. 5), P Sahota and K Westwood.

Officer:

K Taylor (Senior Democratic Services Officer).

1 Comments of the Chair

The Chair welcomed everyone to the first meeting of the Corporate and Economic Strategy Select Committee and emphasised his wish for the Committee to undertake a positive approach to ensure detailed and effective scrutiny on the issues within the remit of the Committee.

2 Apologies for Absence

Apologies for absence were received on behalf of Councillors C Eccles and J Elliott.

3 Appointment of Substitute Members

It was noted that Councillors R Collins and M Hanif had been appointed as substitute Members for Councillors J Elliott and C Eccles respectively, for this meeting of the Committee only.

4 **Declarations of Interest**

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

5 **Public Forum**

No issues were raised under this agenda item.

6 **Programme of Meetings and Business Items for 2023/24**

The Committee considered the programme of meetings and items of business for detailed consideration by this Select Committee during 2023/24.

In referring to the suggested items for inclusion, Councillor P Sahota considered that the proposed list did not reflect the wider range of services being delivered by the Regeneration and Enterprise Directorate and Corporate areas and believed that there was some flexibility and capacity within the programme to include additional items and still allow sufficient time for informative discussions. He further reported that the Director of Regeneration and Enterprise and Senior Officers were supportive to the recommendations.

Following further discussion, the Committee agreed to include the following items for inclusion to the programme for the 2023/24 municipal year:-

Commercialisation Strategy Update

An update from the service area on how the Strategy was progressing and to identify solutions in reducing ongoing annual subsidies and ensure that the Council was delivering their aspirations.

UK Shared Prosperity Fund

An overview and update on progress made from the service area in delivering positive outcomes from the Fund.

Estates Strategy

An update from the service area and assurance needed that timescales were being adhered too in rationalising and ensuring Council owned estates were fit for purpose. This update would be presented in conjunction with the Council House Refurbishment Update.

Key Performance Indicators – Corporate and Regeneration

An oversight of the key performance indicators in relation to Regeneration and Corporate areas only and consideration as to whether they were challenging in order to help deliver better services and performances.

Councillor A Davies welcomed the inclusion of an update on progress made in relation to stalled sites, and requested that a further update be scheduled in March, 2024. He also referred to the proposed update on the Wednesbury to Brierley Hill Metro Extension to the November, 2023 meeting and suggested whether this should be deferred to later in the municipal year to allow sufficient time in exploring opportunities in securing the additional funding needed to support the Metro extension to Brierley Hill.

In referring to the My Dudley Digital Project, Councillor E Lawrence emphasised the importance of IT within the organisation and referred to discussions held at the Future Council Scrutiny Committee during last year, where it was noted that a significant amount of money had been allocated for upgrading to Microsoft E5 licences and welcomed an update on this area.

Councillor E Lawrence further recommended an additional item in relation to performance data in relation to Leisure Centres, in particular Duncan Edwards Leisure Centre and Halesowen Leisure Centre. It was noted however that this could be presented in line with the Commercialisation Strategy item.

Councillor A Aston welcomed and supported the comments and suggestions made, however urged that flexibility be maintained throughout the programme to allow for any emerging issues during the year.

The Chair acknowledged the good points made and emphasised the need for Members of the Select Committee to be fully engaged and undertake robust discussions whilst considering the items brought forward. Lead Officers for each report would be requested to attend the respective meeting and present current information and future aspirations and ensure that items were completed in order to avoid any repetition. Accountability and assurance would need to be demonstrated in order to evidence how taxpayers' money was being spent appropriately. It was also suggested that site visits would be undertaken where appropriate.

Following a request to re-schedule the January, 2024 meeting and subsequent discussion, the Committee agreed to retain the meeting date, as approved by Full Council in May, 2023, however requested that the Senior Democratic Services Officer review the timings of the proposed business items in accordance with comments made by the Committee.

Resolved

- (1) That the report on the programme of meetings and potential items of business for this Committee, be noted.
- (2) That the Senior Democratic Services Officer, in consultation with the Chair and Vice-Chair, be requested to review the timings of the proposed items in relation to the Wednesbury to Brierley Hill Metro Extension Update and the Economic Regeneration Strategy and Action Plan for later consideration during the municipal year.
- (3) That the following items be included in the programme of business for 2023/24:
 - Key Performance Indicators – Corporate and Regeneration
 - Commercialisation Strategy Update
 - UK Shared Prosperity Fund
 - Estates Strategy
 - Stalled Sites Progress Update (March, 2024)
- (4) That, subject to resolution (2) and (3) above, the Committee confirm the programme of business as outlined in paragraph 4 of the report submitted, subject to the need for flexibility to reflect any changes that might arise during the municipal year.

- (5) That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2023/24 municipal year.
 - (6) That the terms of reference for the Corporate and Economic Strategy Select Committee, as set out in the Appendix to the report submitted, be noted.
-

7 Questions Under Council Procedure Rule 11.8

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

The meeting ended at 6.49pm

CHAIR

Minutes of the Corporate and Economic Strategy Select Committee

Wednesday, 30th August, 2023 at 6.00 pm
In Committee Room 3, The Council House, Priory Road, Dudley

Present:

Councillor D Stanley (Chair)
Councillor S Henley (Vice-Chair)
Councillors A Aston, J Cowell, A Davies, C Eccles, P Lee, and P Sahota.

Officers:

I Newman (Director of Finance and Legal), L Fulci (Director of Digital, Customer and Commercial Services – via Microsoft Teams), C Driscoll (Director of Children's Services), M Farooq (Lead for Law and Governance) and K Taylor (Senior Democratic Services Officer).

Also in Attendance:

Councillor S Clark (Cabinet Member for Finance, Legal and Human Resources)
Councillor P Atkins (Cabinet Member for Corporate Strategy)

8 Apologies for Absence

Apologies for absence were received on behalf of Councillors E Lawrence and K Westwood.

9 Appointment of Substitute Members

It was noted that Councillors J Cowell and P Lee had been appointed as substitute Members for Councillors K Westwood and E Lawrence, respectively, for this meeting of the Committee only.

10 **Declarations of Interest**

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

11 **Public Forum**

No issues were raised under this agenda item.

12 **Questions Under Council Procedure Rule 11.8**

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

13 **Exclusion of the Public and Press**

Resolved

That the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information, as defined under paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

14 **Call-In of Decision Sheet – Loan to Dudley and Kent Commercial Services Ltd Joint Venture Company**

A report of the Monitoring Officer was submitted to respond to the call-in of the decision of the Cabinet Member for Finance, Legal and Human Resources concerning a loan to Dudley and Kent Commercial Services Ltd Joint Venture Company (JVC). The decision had been called-in at the request of four Members of the Corporate and Economic Strategy Select Committee in accordance with the Scrutiny Committee Procedure Rules, as set out in the Council's Constitution. A copy of the exempt decision sheet relating to this item was circulated, together with the procedure to be followed at the meeting, as outlined by the Chair.

The Chair then invited the Cabinet Member for Finance, Legal and Human Resources to make representations concerning the decision together with the Director of Finance and Legal and the Director of Digital, Customer and Commercial Services. The Director of Children's Services and the Lead for Lead and Governance was also in attendance, at the request of the Committee, and responded to questions raised.

Arising from the representations made, Members made the following comments and raised questions, which were responded to at the meeting:

- a) The proposed loan set out within the Decision Sheet would enable the commercialisation of the service by providing both temporary and permanent recruitment services to other organisations. It was confirmed however that the focus was on the recruitment process of temporary staff.
- b) The risks associated with selling services commercially was acknowledged.
- c) Following a data review, Dudley maintained schools and academies were considered as a target market allowing the opportunity to build on existing partnership working and acknowledging the challenges faced with recruitment and budget pressures. It was acknowledged that although the response rate to the survey circulated to all Dudley Schools was 31%, this was considered a good response.
- d) The investment required to establish the external trading team would be shared equally by the shareholders.
- e) It was noted that recruitment fees were dependent on the job role.
- f) Members acknowledged and recognised the importance of commercialisation and income generation within the Council.

- g) Members queried why the request for the loan could not have been reasonably deferred until the end of the second financial year in order to review the company's financial performance accordingly.
- h) The service would undertake a consultant led sales approach by employing specialist sales consultants to engage and build relationships with stakeholders in potential customer organisations. It was noted that activities would be in line with set Key Performance Indicators including; sales calls and customer site visits.
- i) The historic and severe recruitment challenges of permanent staff within the Children's Services Directorate and Legal Services were outlined, however it was also acknowledged that there had been some improvement in the recruitment of temporary staff since the JVC had been established in 2022.
- j) It was reported that each Directorate were responsible in developing a Strategy in relation to workforce.
- k) A Member suggested that measures should be considered to ensure that Dudley's bank of temporary workers were supported and encouraged to remain within Dudley.
- l) It was reported that approximately 800 positions had been filled since the service had been operational.

Following all questions and contributions, the Chair asked for any final statements before the Committee proceeded to consider the matter.

The Chair thanked all Members and Officers for attending and the positive discussions and contributions made during the meeting.

Resolved

That the Corporate and Economic Strategy Select Committee recommend that no objection be raised to the decision, in which case no further action is necessary and that the decision of the Cabinet Member for Finance, Legal and Human Resources be implemented with immediate effect.

The meeting ended at 6.45pm

CHAIR

CESSC/9

Minutes of the Corporate and Economic Strategy Select Committee

Wednesday, 6th September, 2023 at 6.00 pm
At Saltwells Education Development Centre, Bowling Green Road, Netherton

Present:

Councillor D Stanley (Chair)
Councillor S Henley (Vice-Chair)
Councillors A Aston, J Foster, A Hopwood, E Lawrence, N Neale, T Russon, P Sahota and K Westwood.

Officers:

P Mountford (Head of Economic Growth and Skills), P Parker (Head of Communications and Public Affairs), N Biddle (Head of Digital and Customer Services), M Cox (Strategic Development Surveyor), C Blunn (Corporate Performance and Programme Manager), S Haycox (Corporate Performance Support) and K Taylor (Senior Democratic Services Officer).

15 Apologies for Absence

Apologies for absence from the meeting were received on behalf of Councillors C Eccles and L Johnson.

The Senior Democratic Services Officer updated Members of a change in membership in particular that Councillor L Johnson had been appointed to the Committee replacing Councillor A Davies.

16 **Appointment of Substitute Member**

It was noted that Councillor J Foster had been appointed to serve as a substitute Member for Councillor C Eccles for this meeting of the Committee only.

17 **Declarations of Interest**

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

18 **Minutes**

Resolved

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

19 **Public Forum**

No issues were raised under this agenda item.

20 **Stalled Sites – Strategies for bringing back into use privately owned vacant land and property**

A report of the Director of Regeneration and Enterprise was submitted on the strategies deployed in the last twelve months, by the Local Authority to bring back into use privately owned land and property which remained derelict or untidy or where development was stalled.

The Head of Economic Growth and Skills gave a presentation to the Committee and in doing so referred to the work undertaken by the Stalled and Derelict Sites Working Group across multiple service areas regarding land and property identified as problem or derelict sites where development had stalled. Following a consultation process, which included Member Ward Walks, an initial list containing 68 sites was developed by Officers. This list was revised to produce a priority list of 20 sites which was endorsed by informal Cabinet in November, 2021. The 20 priority sites had been categorised to enable a targeted and focused approach to delivery to allow resources to be better managed. A summary of the four categories were outlined at the meeting.

It was noted that a cross directorate multi-disciplinary task and finish working group had been established to oversee actions to sites that were in categories 3 and 4, with delivery options and work plans being developed.

The Head of Economic Growth and Skills reported that Homes England revenue funding totalling £60,000 had been secured to enable the Council to procure specialist property development and legal expertise to advise on the most appropriate course of actions for each site. It was confirmed that Thomas Lister with Freeths solicitors and PCPT Architects had been appointed to consider and report on routes to bringing each site forward to include associated risks. Following the presentation of their findings and engagement with private sector developers and registered providers, a high-level plan including spend profile for the programme was developed.

Members were updated on the position of the Stalled and Derelict sites programme, including 6 sites that were making substantial progress towards early development, 6 sites progressing with engagement with owners, 3 sites where potential enforcement action had been identified and 5 sites where development options were needed to be reviewed including potential use of Compulsory Purchase Orders.

An overview of case studies where positive action on derelict sites was outlined, including the work undertaken to the redevelopment of Market Street, Stourbridge and 122-128 Colley Gate, Cradley. It was noted that the Council had completed the purchase of the remaining three units in 122-128 Colley Gate, Cradley, following the serving of a Compulsory Purchase Order in January, 2023. It was anticipated that Stalled and Derelict sites funding would be utilised for the demolition of the four sites for the redevelopment of an 8-unit affordable housing scheme.

It was noted that Corporate Landlord were progressing to bring the Enville Street, Stourbridge site to the open market disposals with benefit of planning permission for the development of a housing led 10-unit scheme.

In order to assist the decision-making process and align officer time and programme budget, nine sites had been selected for more focused work in areas including 10-12 Tipton Road, Dudley, Former Foresters Pub and lands rear of Brierley Hill and New Hawne Colliery, Halesowen.

The Head of Economic Growth and Skills referred to the changing role of the Housing Revenue Account and the implications to the delivery route of sites within the programme, and in doing so confirmed that engagement had commenced, via Thomas Lister, with regional private sector developers and other registered providers already working in the borough, via a soft market testing questionnaire.

It was noted that a blanket cabinet approval to acquire and extinguish interest in land and new rights by agreement or through a Compulsory Purchase Order for all sites to assist in discussions with landowners was also being considered.

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

- a) The Chair commented positively on the presentation given and the significant progress made over the past twelve months.
- b) In responding to a question raised by Councillor E Lawrence, the Strategic Development Surveyor confirmed that an Enforced Sale allowed the Council to recover charges registered against a property or land through the sale of the property or land. A Compulsory Purchase Order (CPO) is an Order made by an authorised body (such as the council), requesting powers to acquire land compulsorily where the landowners or occupiers are not willing to sell by agreement or agreement on terms cannot be reached.

- c) Reference was made to the inclusion of listed buildings within the Borough into the programme, the Head of Economic Growth and Skills confirmed that some listed buildings had been identified within the initial list of 68 sites. It was suggested however that listed buildings may be considered under a separate process given that many buildings required refurbishment rather than redevelopment, and undertook to discuss further with J Pilkington, Principal Historic Environment Officer.
- d) In view of the limited resources available and the lack of a dedicated team, initial focus would be given to the nine individual sites identified. Once completed the remaining sites would be re-prioritised for the next tranche of priority accordingly.
- e) In responding to a question raised by Councillor A Aston, the Head of Economic Growth and Skills confirmed that the initial list of 68 sites that were identified resulted from a mixture of intelligence received from both officers and ward members and included existing enforcement cases.
- f) Councillor A Aston considered that 68 sites was a low number for Dudley and sought clarification as to whether additional sites could be included to the programme. In responding, the Head of Economic Growth and Skills confirmed that the work was an ongoing rolling programme however it was recognised that dedicated resources would be required to expand the programme further.
- g) Councillor P Sahota welcomed the report submitted and the direction of travel of the programme and suggested that the Council could measure success by reviewing data between 2017 and 2020 specifically in relation to section / enforcement orders used in order to provide a benchmark of work undertaken.

- h) Councillor P Sahota sought clarification on work progressing on the remaining 48 sites identified and what measures were being considered including those that may require a Section 215 notice. He further suggested that a list identifying the locations of the 68 sites would be beneficial and queried why the majority of Category 1 and 2 sites were predominately situated within Halesowen and Stourbridge areas.

In responding, the Head of Economic Growth and Skills assured Members that positive progress was being made to the remaining 48 sites and undertook to circulate further information to the Committee including a map identifying all 68 sites.

- i) Councillor P Sahota acknowledged that a dedicated team and additional resources were needed to ensure the success and delivery of the programme.
- j) In responding to a question raised by the Chair in relation to the old general post office building in Dudley, it was noted that consideration was being given to the site being part of the levelling up agenda and that viability funding would likely be required to support the future redevelopment of the site.
- k) Councillor T Russon commented positively on the presentation given and welcomed the opportunity in receiving an accessible list of all sites and regular updates.
- l) In responding to a suggestion made by Councillor T Russon of an online directory of available rentable amenities within Dudley, including garages, the Head of Economic Growth and Skills undertook to discuss further with the Technology, Systems and Services Department.
- m) Councillor J Foster raised concerns that the remaining 48 listed could be extended further from sites identified by Ward Members and that the programme did not appear to categorise properties that were deteriorating. It was also suggested that a number of properties throughout the borough were not owned by people living within the community.

The Head of Economic Growth and Skills acknowledged comments made and confirmed that the appointment of external legal consultants allowed the opportunity for challenging conversations with land owners and developers in order to take forward difficult sites.

- n) Councillor J Foster referred to the Planning Committee Member Training and considered that the training received in relation to compulsory purchase orders was too technical and suggested that future training should include an invitation to a Local Government Association Peer Member, to share success stories and provide an Elected Member perspective.

Resolved

- (1) That the information contained in the report submitted be noted.
- (2) That the progress made since the report was submitted to the Future Council Scrutiny Committee on 7th September, 2022, be noted.
- (3) That the positive actions being undertaken by services in seeking to bring back into use privately owned land and property which remained vacant and derelict, be acknowledged.
- (4) That the limitations of statutory powers in requiring private landowners to bring forward vacant and derelict sites for development be recognised.
- (5) That the Head of Economic Growth and Skills:
 - (i) circulate information on progress made to the remaining 48 sites to the Committee including a map identifying all 68 sites;
 - (ii) liaise with the Technology, Systems and Services Department with regard to an accessible list of all sites including regular updates and an online directory of available rentable amenities within Dudley;
 - (iii) liaise with Democratic Services with regard to future Planning Committee Member training.

21 Consultation Process Review across the Authority

A report of the Deputy Chief Executive was submitted on consultation activity across the authority and future improvements to processes.

In presenting the report submitted, the Head of Communications and Public Affairs confirmed that the consultation process review commenced in Autumn 2022, following a report submitted to the former Future Council Scrutiny Committee Working Group, whereby the Chief Executive's Office was recommended to lead a review of consultation processes across all directorates, to collate information and identify best practice areas to inform a consistent corporate approach.

To support the project, an officer working group was established to baseline all current forms of consultation to understand the different approaches and identify best practice, develop a forward plan of planned consultation exercises over the next twelve months and develop a framework and guidance for all directorates to ensure a consistent approach. The draft Consultation Framework and Guidance was attached as Appendix B to the report submitted.

An internal survey was circulated to enable the performance management team to capture external consultation activity taking place across the organisation. 17 responses were received which highlighted that the majority carried out up to five external consultations each year unless based on need or associated to either a project or major improvements to services. Although it was acknowledged that 17 responses to the survey was low, upon investigation, it was identified that a number of responses were submitted on behalf of a number of service areas.

Consideration was being given to a corporate software licence to ensure that the local authority abided by regulations, with the possibility of the 'MyDudley' platform being utilised to eliminate issues with licences and to create a one platform approach to enable the Council to be better engaged with residents and ensure policies were being met. It was noted that services would continue to use the paid software packages if a licence was not held.

Reference was made to the draft Consultation Framework and Guidance which would help teams identify areas they needed to consider together with tools available when carrying out consultations in a consistent approach across the Council.

Members were advised that the Council did not have a single, corporate department with an oversight or responsibility for consultations taking place across all directorates and services in the local authority, which was formerly undertaken by a centralised strategic intelligence and policy unit. In order to re-establish corporate ownership of all consultation activity, appropriate budget and resource would need to be identified.

In referring to software solutions, the Head of Digital and Customer Services reported that MyDudley platform provided a comprehensive and extended service allowing residents to provide feedback on consultations.

In concluding, the Head of Communications and Public Affairs expressed his thanks and gratitude for the work undertaken by the officer working group.

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

- a) In responding to a question raised by Councillor A Aston in relation to the consultee database utilised by the Local Authority, the Head of Communications and Public Affairs confirmed that Granicus UK, the company appointed to co-design and deliver the new MyDudley platform, was a subscription based service which should expand the existing consultee network.
- b) Councillor P Sahota welcomed the report submitted however raised concerns of the low response rate to the internal survey undertaken.

In responding, the Corporate Performance Programme Manager confirmed that the survey had been endorsed and communicated through the Strategic Executive Board and Heads of Services.

- c) Councillor P Sahota further shared concerns that fourteen people had responded to the survey indicating that Equality Impact Assessments (EIAs) were not carried out to ensure that there were no barriers to participation or disadvantage to any protected groups from participation whilst conducting consultations. The response suggested that the culture of EIAs was not taken seriously across the Council, and Councillor P Sahota considered that completing EIAs was an essential requirement of all Councils.

In acknowledging the comments made, the Head of Communications and Public Affairs and the Corporate Performance Programme Manager confirmed that the Consultation Framework and Guidance contained a dedicated section to encourage and ensure the authority adhered to legal regulations for EIAs. The database would highlight where officers had indicated that an EIA had not been completed, however without a dedicated team to support the database, this would not be possible to monitor.

- d) It was reported that the consultation survey had identified six service areas had utilised a free online survey form to carry out their consultations, which had consequences towards security issues and GPDR regulations. Members were assured that discussions had been held with L Bourne, Data Protection and Information Governance Manager, which had resulted in a dedicated section incorporated within the Consultation Framework and Guidance.

- e) Councillor J Foster referred to the Consultation Strategy previously adopted by the Council which was highly regarded nationally as a result of the level of engagement undertaken by officers alongside Ward Members within local communities. She suggested that the information presented did not imply that the established officer working group was not undertaking this level of engagement. The reliance on virtual and remote consultations would lose the ability to maintain direct contact with residents and communities.

In responding, the Head of Communications and Public Affairs confirmed that a distinction had been made between engagement and consultation recognising that many teams carried out engagement with service users as part of their business including outreach work with residents and community groups.

Further to comments made, Councillor J Foster considered that engagement and consultation should not be separated and that the number of community groups targeted were reducing in numbers and the majority not representative of the community.

- f) Councillor E Lawrence commented positively on the report and extensive work undertaken. Following comments made in relation to using the MyDudley platform through Granicus UK, Councillor E Lawrence queried whether a specific module could be purchased to assist with the consultation process.

In responding, the Head of Digital and Customer Services confirmed that a number of modules had been future proofed with an agreed price for further functionality, including one to be used for consultations, which can be procured when requested.

Resolved

- (1) That the information contained in the report submitted be noted.
- (2) That Dudley Council does not have a single, corporate department with an oversight or responsibility for consultations taking place across all directorates and services in the local authority, be noted.
- (3) That the scale and complexity of consultation activity undertaken across the local authority service areas and how best practice has been used to inform a consistent corporate approach, be noted.

- (4) That the new Consultation Framework and the database produced for guidance by the Chief Executive's performance management team and key stakeholders across the organisation, as outlined in Appendix B of the report submitted, be supported.
 - (5) That the officer working group to identify the best software solution be supported.
-

22 **MyDudley Digital Platform Update**

A report of the Director of Digital, Customer and Commercial Services was submitted on the MyDudley programme.

In presenting the report submitted, the Head of Digital and Customer Services confirmed that the platform had been procured and the contract awarded to Granicus UK in April, 2023 noting that the project contained key milestones to develop and enable a new self service channel whilst ensuring best value for money for Dudley. The functionality of the platform included customer portal, customer service hub, councillor portal and staff portals.

The Head of Digital and Customer Services assured Members of the commitment in understanding how different groups and communities use existing council services and that the MyDudley implementation plan aligned to the feedback gained from the community engagement. Future roll out of services would continue to be informed by data and engagement.

It was noted that a number of engagement sessions and surveys had been undertaken by the Digital and Customer Service team to understand how residents use digital technology and what the Council needed to do to make those technologies meet the needs of different communities. Community engagement sessions had been delivered in partnership with Healthwatch Dudley and attended by residents and carers with wide ranging age, ability and accessibility needs.

The branding of the platform created a personal feeling associated to the Dudley Borough with community groups selecting the name, MyDudley. Whilst it was recognised that online self-service would be used by many of the residents, this was just an enhancement to the services and not a replacement way to contact the council, retaining support for those in-person or over the phone when needed.

In July, 2023, the MyDudley Roadshow event was launched with residents invited to complete a survey about how they and the Council could work together to improve online access to council services. The two-week roadshow consisted of sixteen events including visits to leisure centres, community centres, cultural centres together with a promotional double decker bus visiting different town centres, during the second week, with internal and external promotion in car parks, marketplaces and GP Surgeries.

It was reported that 3,073 residents completed surveys with initial results highlighting the opportunity to increase the number of residents who would use online services and 80% of residents claiming that they would possibly use online services in the future.

A high-level implementation timeline was outlined in Appendix C of the report submitted reflecting the needs and preferences of residents. The first phase of the delivery of MyDudley would focus on the customer portal giving the residents the ability to create a secure account and track their enquiries; raise an enquiry about waste, bins and recycling; report anti-social behaviour; book tip appointments and reporting issues in their neighbourhood. The importance in demonstrating “you said, we did” within the platform was emphasised.

The issues associated with the current Councillor Contact platform was acknowledged, however it was noted that the service would be migrated to the new platform allowing for improvements to be made and providing opportunity to track requests, enable communication between service areas and councillors and empower Members to digitally self-serve. Priority would be given to ensuring Members were provided with a more consistent experience centred around key themes including accessibility, simplicity, language and visibility of cases.

The Head of Digital and Customer Services referred to the governance implemented within the programme including the establishment of the Councillor Digital Forum which reported to the Digital Board.

It was noted that the Medium Term Financial Strategy spend was approved on the basis the project would realise savings as customer contact reduced following an anticipated increase in self-serve by residents, however the rate of resident self-service against the target reduction would be monitored.

Reference was made to the motivation to build a service catered to all needs with Equality Impact Assessments completed to ensure all groups were catered for. Following the awarding of the contract and having a better understanding of resident priorities, a further assessment would be completed that aligned to the implementation.

In concluding, the Head of Digital and Customer Services stated that the resident focussed implementation required officers to be flexible and take an iterative approach, being prepared to change plans where resident feedback suggested a need.

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

- (a) The Chair commented positively on the information presented and referred to a site visit he had recently undertaken together with the Vice-Chair to Dudley Council Plus.
- (b) Councillor J Foster was encouraged of the number of Equality Impact Assessments undertaken, however sought clarification as to why the decision had been made to not consult with children and young people.

In responding, the Head of Digital and Customer Services confirmed that the engagement was data driven and focused primarily on services where customers contacted the Council directly but was happy to take on board comments made.

- (c) Councillor N Neale welcomed the report submitted and referred to issues associated with reporting on Councillor Contact and suggested that cross data and referencing was needed between residents and ward members reporting the same issue. She also suggested that council owned buildings including libraries and leisure centres could be equipped with the right technology to enable users to provide feedback direct to the Council.

The Head of Digital and Customer Services confirmed that she would consider the suggestion made and advised that the new system would allow Elected Members to copy recipients, including residents and Members, into the request for information.

- (d) Councillor P Sahota welcomed the report submitted and queried how the system compared to other local authorities.

In responding, the Head of Digital and Customer Services confirmed that currently 110 Local Authorities operated the same platform, and that extensive market testing had been undertaken on a variety of products and Members were assured that the new system would benefit Dudley.

- (e) Councillor A Aston considered that the success of the project would be determined by the implementation of the platform and whether issues and requests for services were resolved.

In responding, the Head of Digital and Customer Services acknowledged the comments made and suggested that the system would identify points of failure immediately and agreed that the success of the technology depended on the quality of the business model.

- (f) Councillor P Sahota suggested that performance management was essential in the implementation and delivery of the system.

Resolved

That the information contained in the report submitted be noted.

23 Corporate and Economic Strategy Select Committee Progress Tracker and Future Business

Following agreement by the Chair, Councillor J Foster raised an urgent item in relation to the recent national developments regarding Reinforced Autoclaved Aerated Concrete (RAAC) in schools in England. Although it was acknowledged that communication bulletins had been circulated confirming that local authority led schools and academies were unaffected, Councillor J Foster suggested that an audit of all council buildings, including libraries, leisure centres and community centres, be undertaken to establish whether RAAC had been used in any of the buildings, and Members advised accordingly.

In response to comments made, the Head of Communications and Public Affairs undertook to discuss further with appropriate officers and arrange for a communications bulletin to be circulated to all Elected Members.

Resolved

- (1) That the Corporate and Economic Strategy Select Committee Progress Tracker and Future Business, as outlined in the report, be noted.
- (2) That the Head of Communications and Public Affairs be requested to consult with appropriate officers regarding RAAC in council buildings, and arrange for a communications bulletin to be circulated to all Elected Members accordingly.

24 Questions Under Council Procedure Rule 11.8

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

25 Comments of the Chair

The Chair thanked all Members and Officers for attending and the positive and constructive discussions and contributions made during the meeting.

The meeting ended at 7.55pm

CHAIR

Minutes of the Highways and Environmental Services Select Committee

Wednesday, 2nd August, 2023 at 6.00 pm
At Saltwells Education Development Centre, Bowling Green Road, Netherton

Present:

Councillor E Lawrence (Chair)
Councillor P Miller (Vice-Chair)
Councillors D Borley, K Casey, R Collins, K Denning, P Dobb and A Lees.

Officers:

N McGurk (Acting Service Director – Neighbour Delivery), J Deakin (Head of Neighbourhood Services) and K Taylor (Senior Democratic Services Officer).

Also in Attendance:

Councillor D Corfield (Cabinet Member for Highways and Environmental Services)

1 Comments of the Chair

The Chair welcomed everyone to the first meeting of the Highways and Environmental Services Select Committee and provided a brief introduction of his expectations for the Committee for the 2023/24 municipal year. Although the remit of the Select Committee may attract Members to discuss individual ward areas, the Chair encouraged the Committee to consider the overall picture whilst deliberating items during the year.

2 **Apologies for Absence**

Apologies for absence were received on behalf of Councillors I Kettle and S Mughal.

3 **Appointment of Substitute Member**

It was noted that Councillor R Collins had been appointed as a substitute Member for Councillor I Kettle, for this meeting of the Committee only.

4 **Declarations of Interest**

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

5 **Public Forum**

No issues were raised under this agenda item.

6 **Programme of Meetings and Business Items for 2023/24**

The Committee considered the programme of meetings and items of business for detailed consideration by this Select Committee during 2023/24.

In referring to the suggested business items as outlined in paragraph 4 of the report submitted, the Chair, although acknowledging that there was some space within the schedule, considered that this provided the flexibility during the year to allow for any emerging issues and outstanding queries. It was noted that Working Groups could also be arranged during the year if necessary.

Following a request made by Councillor K Casey, it was agreed that an update on the Neighbourhood Approach be scheduled later in the municipal year.

Resolved

- (1) That the report on the programme of meetings and potential items of business for this Committee, be noted.
 - (2) That, subject to an update on the Neighbourhood Approach being scheduled for later in the year, the Committee confirm the programme of business as outlined in paragraph 4 of the report submitted, subject to the need for flexibility to reflect any changes that might arise during the municipal year.
 - (3) That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2023/24 municipal year.
 - (4) That the terms of reference for the Highways and Environmental Services Select Committee, as set out in the Appendix to the report submitted, be noted.
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7 Developing the Neighbourhood Approach

A report of the Acting Service Director – Neighbourhood Delivery was submitted on developing the neighbourhood approach in the Environment Directorate. It was noted that Elected Members had received a separate briefing in June, 2023.

The Acting Service Director – Neighbour Delivery advised Members that consultation on Phase 2 of the restructure of the Environment Directorate had commenced. Employees had been invited to individual or group consultation meetings to discuss the proposals and to obtain feedback, and it was reported that to date, the response had been mainly positive from operational workers who had welcomed the proposed change. It was noted that the consultation period had given the opportunity for senior managers to communicate with employees directly and identify various skills sets which could then be transferred across the Directorate.

It was suggested that a further update could be provided to the Select Committee in early 2024 on progress made and outcomes of the consultation.

Following the presentation of the report, Members had the opportunity to ask questions make comments and responses were provided, where necessary, as follows:-

- a) The Chair referred to the key role of Elected Members in embracing changes within the suggested approach and that the Select Committee provided the opportunity for Members to present their experiences, feedback and suggestions as to how the proposed restructure could support and improve service delivery within the designated areas.
- b) Councillor D Borley commented positively on the proposed neighbourhood approach and queried whether consultation responses to date had suggested that any employees that were affected by the change proposals may leave the authority.

In responding, the Acting Service Director – Neighbour Delivery confirmed that sufficient time had been given to ensure that staff understood the neighbourhood delivery approach to delivering services within the Borough and that the current feedback from approximately 98% of 200 employees had been extremely positive.

- c) As Elected Members had extensive knowledge of their respective ward areas and communication with local residents, Councillor D Borley sought clarification as to the preferred method in reporting issues and assisting with prioritising works as appropriate.

In responding, the Acting Service Director – Neighbour Delivery acknowledged the significant improvements required to the existing Councillor Contact application for reporting issues, and the need for a robust mechanism to ensure effective communication and reduce reporting time. It was proposed that the restructure would create five Street Neighbourhood Manager posts, aligned to the Community Forum areas, with clear accountability and responsibility for the leadership and management of defined geographical areas of the Borough. It was anticipated that once the consultation had completed, a meet and greet session would be arranged between the five Area Managers and Elected Members.

- d) Councillor D Borley acknowledged that there would be some time needed to embed the new way of working and welcomed a further update to the Committee before the end of the 2023/24 municipal year. The need to have better communication across the authority in order to breakdown silos working was emphasised.

- e) The Cabinet Member for Highways and Environmental Services referred to the historical operation of the service and his aspirations for the Area Managers to maximise resources aligned to each neighbourhood working collaboratively with the Housing and Communities Directorate and external partners including West Midlands Police. It was anticipated that fortnightly walkarounds would be undertaken and that the model approach provided the opportunity for Elected Members to create thriving neighbourhoods and improve the quality of life reflecting local communities. It was reported that Elected Members would have a direct link to the dedicated Area Manager, who would also attend Community Forum meetings.

The Cabinet Member for Highways and Environmental Services further acknowledged concerns raised in relation to the Councillor Contact application and provided an overview of his objectives for implementing a proactive repair and maintenance programme. Members were also advised that £50,000 had been allocated to be utilised as a tools bank and arranging training sessions and events accordingly.

- f) The Chair emphasised the importance of involving Community Groups within the new model approach and also welcomed the opportunity to improve the Councillor Contact application.
- g) The Acting Service Director – Neighbour Delivery acknowledged comments made and referred to the significant number of queries raised across the Directorate which continued to increase on a weekly basis. He confirmed that the issues previously experienced with the Councillor Contact application were being reviewed and all backlog issues were proactively being addressed. Members were advised that incidents and queries could also be reported through the My Dudley Portal.
- h) In responding to a question raised by the Chair as to whether Area Managers would be supported and empowered to override decisions in order to address issues immediately, the Acting Service Director – Neighbour Delivery confirmed that the proposed neighbourhood approach aimed to provide customer focused services that were tailored to specific neighbourhoods, therefore each Area Manager would be awarded the autonomy for service delivery taking into account neighbourhood priorities with appropriate resources allocated.

The Cabinet Member for Highways and Environmental Services also confirmed that the proposed model would allow operatives the discretion to undertake any work deemed necessary i.e. grass cutting, subject to the correct equipment, at the time of viewing.

- i) Councillor K Casey commented positively on the proposed Neighbourhood Delivery model and welcomed the opportunity for Elected Member involvement, and queried whether other departments including the Directorate of Housing and Communities was supportive in working collaboratively in accordance with the approach.

In responding, the Cabinet Member for Highways and Environmental Services referred to recent meetings held with Dudley Federation of Tenants and Residents Association (DFTRA), Housing Managers and the Cabinet Member for Housing and Safer Communities who had welcomed the proposed changes. In order for the model to be a success it was essential that Housing Managers were proactive and worked collaboratively with Area Managers.

- j) Councillor K Casey emphasised the importance in collaborative working in order to prevent reverting back to old practices and ensure that Area Manager workloads were focused and targeted and were empowered with the resources needed to respond to queries and deliver services accordingly.

The Acting Service Director – Neighbour Delivery reiterated the intention in reducing lengthy communication processes and recognised that it would be a long-term process for the model and processes to be effective however the relationship between Area Managers and Elected Members would be a key element to the success of the model.

- k) The Cabinet Member for Highways and Environmental Services referred to the introduction of handheld electronic units to be used by operatives which would enhance and allow for a successful maintenance programme. He assured Members that the proposed approach was to respond to repairs and complaints in real time rather than solely delivering services according to a scheduled programme. The new software would identify location, the operatives name and allow for photos to be uploaded to the database to determine cleaning regimes as appropriate.

- l) Councillor K Casey suggested that a further understanding on the remit and role of the new Energy, Sustainability and Climate Change Team would be beneficial.
- m) In responding to a question raised by Councillor R Collins with regard to timescales for implementing Phase 2 of the restructure, the Acting Service Director – Neighbour Delivery confirmed that the process had been separated into factors and it was anticipated that areas such as Transport and Highways would be resolved earlier.
- n) Councillor R Collins referred to discussions held at the Public Health Select Committee in relation to the Life in Lye Programme and its approach to improving community cohesion and reducing health inequalities in Lye and the need to alleviate silos working. It was noted that L Whitehouse, Street Scene Group Manager had been assigned to support the programme and Councillor R Collins sought clarification that the support would not be withdrawn upon completion of the implementation of the Neighbourhood Delivery model.

In responding, the Acting Service Director – Neighbour Delivery confirmed that it was intended that support would continue beyond the consultation process which was expected to conclude in November, 2023 and that the predominant aim was in strengthening services that were delivered within the Borough.

- o) Reference was made to some wards that required more assistance and queries raised as to how the service would ensure that sufficient resources were dedicated to specific ward areas accordingly. The Acting Service Director – Neighbour Delivery acknowledged comments made and recognised the potential obstacles faced at the start of the process and further consideration would be needed for smarter processes including improvements to digital.

The Cabinet Member of Highways and Environmental Services reiterated that the proposed model together with a formal structure empowered operatives, and referred to discussions held with employees who were encouraged to make comments and suggestions.

- p) Councillor A Lees commented positively and welcomed the proposed changes and the opportunity to create autonomy amongst the Area Managers within the designated neighbourhoods.

- q) In responding to a question raised by the Chair in relation to investing in equipment, the Cabinet Member of Highways and Environmental Services assured Members that, subject to affordability, equipment that were no longer working would be replaced. Reference was also made to the recent introduction of quadbikes to be used by staff for weed maintenance across the Borough.
- r) The Cabinet Member of Highways and Environmental Services emphasised his commitment and aspiration in providing the best and efficient services to residents.

The Chair thanked the Acting Service Director – Neighbour Delivery and Cabinet Member of Highways and Environmental Services for the presentation and responses provided.

Resolved

- (1) That the report on developing the neighbourhood approach in the Environment Directorate, be noted.
- (2) That a further progress report be submitted to the Highways and Environmental Services Select Committee before the end of the 2023/24 municipal year.

8 Questions Under Council Procedure Rule 11.8

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

The meeting ended at 7.05pm

CHAIR

Minutes of the Highways and Environmental Services Select Committee

Thursday, 21st September, 2023 at 6.00 pm
In Committee Room 2, The Council House, Priory Road, Dudley

Present:

Councillor P Miller (Vice-Chair in the Chair)
Councillors D Borley, K Casey, K Denning, P Dobb, I Kettle and J Martin.

Dudley MBC Officers:

N McGurk (Acting Service Director – Neighbour Delivery), J Deakin (Head of Waste and Fleet Operations), S Edwards (Project Manager) and K Taylor (Senior Democratic Services Officer).

Also in Attendance:

Councillor D Corfield (Cabinet Member for Highways and Environmental Services)

9 Apologies for Absence

Apologies for absence from the meeting were received on behalf of Councillors E Lawrence and A Lees.

10 Appointment of Substitute Member

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

11 **Declarations of Interest**

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

12 **Minutes**

Resolved

That the minutes of the meeting held on 2nd August, 2023, be approved as a correct record and signed.

13 **Public Forum**

No issues were raised under this agenda item.

14 **Transport Fleet Services**

A report of the Acting Service Director – Neighbour Delivery was submitted on an update on the Council's Fleet Service and the future options for its fleet management responsibilities, commensurate with the Council's financial and environmental policy objectives.

In presenting the report submitted through presentation slides, the Head of Waste and Fleet Operations outlined the current vehicle replacement programme and advised that the existing fleet had been previously purchased outright and the vehicles and associated equipment were maintained inhouse at the workshops located at Lister Road Depot. Dudley's fleet operations currently provided a comprehensive vehicle fleet for all aspects of Council services, which included a diverse range of vehicles that were dependent on Diesel fuel as a single energy source.

It was noted that the current fleet replacement strategy was to maximise the service life of the vehicles in order to retain front line functions with a replacement cycle of 7 to 10 years, however, it was acknowledged that a new effective fleet strategy and vehicle replacement programme was needed. It was confirmed, however, that the replacement programme had slowed down further, as a result of the pandemic, impending legislation, production slow-down and fuel options consideration.

Members were advised of the departments commitment in providing the right vehicles and plant to ensure employees could undertake their jobs effectively in a safe, compliant, and sustainable way, whilst considering Dudley's ambition in becoming a Carbon Neutral Council by 2030.

The Project Manager then provided an update on the trials undertaken of electric vehicles for waste collection covering multiple rounds throughout a week to establish capacity and allow operatives to trial the new technologies. The 26 Tonne Mercedes Chassis was powered by five batteries, which were charged overnight at Lister Road Depot, and were found to be able to complete more service duty-cycles resulting in more waste collected, and returning to the depot with 30% battery life remaining. It was noted that a manufacturer warranty of seven years would be awarded with each vehicle, upon which the vehicle would be replaced for a second time for a further seven years.

The Head of Waste and Fleet Operations reported that a number of considerations would be undertaken in developing a clear Fleet Strategy including how the Council would procure vehicles ensuring not to over purchase and reviewing service operations to identify alternative ways of working to reduce fleet numbers. It was noted that work had already taken place in reducing the size of the fleet with over 30 underutilised vehicles removed from the fleet over the last 18 months.

It was noted that an operational review was ongoing which included identifying alternative models in particular in relation to waste collection and the most effective shift patterns and service duty-cycles moving forward. In considering alternative fuels, the current infrastructure at Lister Road Depot would need to be reviewed in order to allow the Council to generate more energy and become self-sufficient.

The Acting Service Director – Neighbour Delivery referred to the wider areas with regard to fleet including climate change and new ways of working. He reported on the departments ambition as a leading authority and marker for the Black Country which he anticipated would significantly support future funding bids. The significant culture change that was required was acknowledged, however, the opportunities available would be transformational. In order to drive the project forward would require big plans and decisions being made but the expected rewards would off-set the work needed.

Following the presentation of the report, Members had the opportunity to ask questions make comments and responses were provided, where necessary, as follows:-

- a) Councillor D Borley, although supporting the comments made, suggested that a balanced and managed approach was needed during the proposed cross-over of diesel fuelled fleet vehicles, and emphasised the need to retain the current weekly waste collection in Dudley.
- b) Councillor D Borley referred to the electric vehicles that had been tested and queried whether they were sufficient to carry out existing service duty-cycles using a single power source only. He also queried whether damage could be caused to vehicles or highways as a result of the poor condition of some roads within the Borough and whether a budget had been allocated for such repairs.

In responding, the Project Manager confirmed that the vehicles tested were Euro 6 compliant operating a rear-steer chassis, allowing a smaller turning circle significantly improving steering and reducing risk of damage. During the trials, the vehicles were carrying a full load of waste averaging on 150% more than normal collection.

The Cabinet Member for Highways and Environmental Services confirmed that the new vehicles and the extra weight would not impact on roads and anticipated that a saving of £1million could be made negating the need for replacement tyres in addition to £1.8m fuel savings.

- c) The Acting Service Director – Neighbour Delivery stated that during the trials, vehicles were tested excessively and emphasised that providing a more robust and efficient service to residents was a vital element to the proposals. It was noted that the replacement programme would be undertaken by a phased approach.
- d) The Cabinet Member for Highways and Environmental Services reiterated the priority in providing a service to residents whilst being mindful of the Council's commitment to becoming a Carbon Neutral Council by 2030 alongside the continuing increase in the number of housing developments. The trials undertaken had demonstrated that the electric vehicles had significantly performed more efficiently than the current diesel vehicle.

- e) The Cabinet Member for Highways and Environmental Services referred to the Council's award winning recognition in producing enough electricity to power 11,000 homes, and shared his future aspirations for Dudley as a self-efficient local authority processing its own waste with the ability of becoming a traded service to neighbouring authorities.
- f) Further to comments made with regard to hydrogen fuel, the Cabinet Member for Highways and Environmental Services referred to the energy from waste generated from the Lister Road Depot where it was acknowledged that steam and heat produced from the Incinerator could be converted to green waste energy. However, this would be a long process to implement with the right infrastructure needed. He shared his ambition for the fleet to include both green energy and electric fuelled vehicles, and for Dudley Council to be a benchmark for other authorities in this area. Reference was also made to the positivity expressed by the West Midlands Combined Authority with regard to the green energy agenda.
- g) Councillor K Denning suggested that the current infrastructure at the Lister Road Depot was not sufficient to store and maintain the charging equipment required to support an electric fleet.

In responding, the Cabinet Member for Highways and Environmental Services reported that the vehicles tested did have charging facility on board. A higher probability of securing funding to upgrade the sub-station through the upcycling vehicles scheme was mentioned.

- h) Councillor K Denning referred to the installation of solar panels and queried whether there was sufficient space available at Lister Road or whether the use of Solar Farms would be more beneficial.

In responding, the Acting Service Director – Neighbour Delivery confirmed that resources were being reviewed, however, it was considered that there was sufficient roof space at Lister Road to support solar panels. He stated that there was potential for the Energy from Waste plant at Lister Road to provide electricity for Electric Vehicle charging points and solar canopies, therefore it was anticipated that Solar Farms would not be needed.

- i) The Cabinet Member for Highways and Environmental Services encouraged all Members to visit the facilities at Lister Road and confirmed that the structure of the plant emulated a combustion filter and suggested that low emissions would still be achieved. It was hoped that an additional turbine would be implemented using available funding with the possibility of charging other Councils to process their waste in order to generate income and produce more energy for residential use.
- j) Reference was made to the significant changes in vehicle maintenance, and it was confirmed that training would be available to employees operating specialist equipment. The opportunity to provide an advanced, efficient and effective service to the Borough and residents was paramount.
- k) In responding to a question raised by Councillor D Borley in relation to implementation timelines, the Acting Service Director – Neighbour Delivery anticipated a small number of electric fleet vehicles to be in operation within 12 months.
- l) Councillor K Casey commented positively on the discussions surrounding use of electric and hydrogen fuelled vehicles and suggested that bold steps were needed to progress in this area further, whilst capitalizing on facilities at Lister Road, and that flexibility should be maintained throughout the process. Reference was made to other Councils that were introducing sizeable electric vehicle infrastructures and vehicles into their fleets, with Nottingham leading the way, and whether the Council had contacted those authorities to assist in the delivery moving forward.

In responding, the Acting Service Director – Neighbour Delivery concurred with comments made and although accepting that other authorities had introduced electric fleets, it was an opportunity for Dudley to consider best practice and lessons learned. Members were assured that once an understanding of the plan and options based on existing infrastructure was confirmed, the implementation of the programme would be accelerated.

- m) It was anticipated that the Fleet Strategy and Decarbonisation Manager would be in position by the end of 2023, with responsibility for issuing and awarding contracts, reviewing and setting up administration systems as well as business development. In order to break down silos working it was envisaged that due to the nature of the role, work would cross-over in a number of departments as part of the future strategy.
- n) In responding to questions raised by Councillor I Kettle, the Acting Service Director – Neighbour Delivery confirmed that service operations were also provided to other internal departments within the Council. It was also acknowledged that significant investment was needed at Lister Road to support the proposals, however there was a number of opportunities that would be considered moving forward.
- o) Councillor J Martin welcomed the positivity and knowledge demonstrated by the Cabinet Member for Highways and Environmental Services, and queried the resilience of the electric vehicles during the trial period.

In responding, the Project Manager confirmed that extensive testing had been undertaken and longer shifts programmed to determine the resilience of the vehicles. It was reiterated that a manufacturer warranty of seven years would be awarded with each vehicle, upon which the vehicle would be replaced for a second time for a further seven years.

- p) Following comments made with regard to incinerating waste from other authorities, Councillor J Martin queried how low Carbon emissions could be maintained as a result of an increase of large vehicles entering into the Borough.

In responding, the Acting Service Director – Neighbour Delivery recognised the difficulties in achieving net zero Carbon emissions and emphasised that the plans proposed would enable Dudley to become the leading authority across the Black Country and wider region. It was noted that the Decarbonisation and Energy Strategy would be considered and reflect the proposals accordingly.

- q) In responding to a further question raised by Councillor J Martin, the Head of Waste and Fleet Operations referred to the Government's recent announcement in deferring the introduction of Consistency in Collections. This will now be replaced by the introduction of the new Simpler Recycling. The full details of this was still to be announced. This will need to be considered along with mandatory food-waste measures in any future proposed waste collection models.
- r) Councillor J Martin sought clarification as to whether a reduction in the existing weekly residential waste collections would be considered, the Cabinet Member for Highways and Environmental Services referred to a natural reduction as a result of implementing effective and efficient services together with promotional activities highlighting the importance of recycling. It was emphasised, however, that the purpose in upcycling and testing vehicles and reviewing working processes was to provide a more efficient and reliable service. It was envisaged that within 18 months, the fleet would include up to 4 upcycled vehicles, however it was essential that correct processes, including Procurement, were undertaken.
- s) In responding to a question raised by the Chair with regard to the size of the electric vehicles and whether this would create difficulty for operatives navigating through narrow streets, the Cabinet Member for Highways and Environmental Services confirmed that due to the vehicles operating twin-steer, this offered robust steering, better weight distribution and improved turn stability.

The Chair thanked the Officers and Cabinet Member for Highways and Environmental Services for the informative discussions and commended the work involved.

Resolved

That the information contained in the report submitted, and as reported at the meeting, on an update on the Council's Fleet Service and the future options for its fleet management responsibilities, commensurate with the Council's financial and environmental policy objectives, be noted.

A report of the Acting Service Director – Neighbour Delivery was submitted on the Quarter 1 Corporate Quarterly Performance report of the 2023/24 financial year covering the period 1st April, 2023 to 30th June, 2023, which was aligned to the new 3-year Council Plan. Further data relating to the directorate service delivery was included as appendices to the report submitted, focusing on the Environment Directorate.

Members had the opportunity to ask questions make comments and responses were provided, where necessary, as follows:-

- a) Councillor K Casey referred to PI.324 – No. incidents of fly-tipping in particular the continual increase since Quarter 1 of the previous year and that the number of fly-tipping enforcement actions were low in comparison, and therefore queried whether there was a predominate factor for this and what measures the Council could implement to deter fly-tipping.

In responding, the Acting Service Director – Neighbour Delivery agreed with the comments made however assured Members that the issues surrounding fly-tipping was a national issue. It was also suggested that following a change in data reporting, the numbers would be significantly different to those presented previously. Reference was made to the comprehensive work undertaken by Enforcement Officers, which would be strengthened by the recruitment of an additional three officers. Reference was also made to Dudley's 'You've Been Shamed' campaign on the Dudley Council website displaying images collected from Closed-Circuit Television systems of fly-tipping perpetrators.

- b) In responding to a question raised by Councillor K Casey in relation to PI. 1498 % household waste sent for reuse, recycling and composting (NI 192) and the inconsistency of the figures; the Head of Waste and Fleet Operations confirmed that as green waste was weather dependent, this would impact data. The uncertainty surrounding the collection of dry recycling was mentioned however Members were assured that collections had not been missed.
- c) It was noted that officers had written to the Government with regard to funding pending confirmation of the introduction of mandatory food-waste collections and the publication of the Government's Waste Strategy.

- d) Councillor I Kettle commented positively on the improved service at the Household Waste and Recycling Centre in Stourbridge and queried whether additional promotional campaigns could be undertaken to highlight available appointments and the service provided.

In responding, the Head of Waste and Fleet Operations referred in particular to the number of no shows to the site and acknowledged that further work was needed to promote and encourage users to cancel bookings if no longer needed in order for the slots to be released. Further discussions will be held with the Communications and Public Affairs Department to improve social media promotion.

The Cabinet Member for Highways and Environmental Services also commented on the monthly publications updating residents on current news and announcements. It was also noted that the number of available appointments at the Household Waste and Recycling Centre had been increased in order to accommodate demand.

- e) In responding to a question raised by Councillor J Martin, the Head of Waste and Fleet Operations confirmed that Dudley was working in partnership with Textek to offer residents a service for the collection and recycling of waste goods and materials, including mattresses. It was noted that items such as mattresses that were disposed at the Stourbridge Site were deposited in landfill.
- f) It was recognised that further work was needed to promote and improve recycling from properties that had been issued with communal waste bins.
- g) In responding to a question raised by Councillor D Borley, the Acting Service Director – Neighbour Delivery confirmed that road gritting vehicles had been prepared in advance of the winter period, with grit bins regularly checked and restocked when necessary. Issues with gritting and snow clearance could be reported on the Dudley Council website.

- h) In responding to a question raised by Councillor K Denning in relation to confirmed timescales for the replacement of all street lighting to light-emitting diodes (LED), the Acting Service Director – Neighbour Delivery referred to the three-year replacement programme and confirmed that 25% of lighting had been replaced to date. Members were assured that the programme was on track to be delivered by 2026.
- i) With regard to street signs and bollards, it was noted that a contractor had been appointed to replace LED's together with a review to ensure that there was sufficient lighting throughout the Borough where needed. An internal review had also been requested in relation to illuminate signage and reflective bollards throughout the Borough which was expected to be completed by 2026. Due to the fluctuating electricity costs, it was difficult to determine the amount of savings accumulated, however it was expected that significant savings could be achieved.
- j) In responding to a request by Councillor K Denning, the Acting Service Director – Neighbour Delivery undertook to categorise figures in relation to fly-tipping into areas for future reporting.

Resolved

- (1) That the information contained in the report submitted, and as reported at the meeting, on the Quarter 1 Corporate Quarterly Performance report of the 2023/24 financial year covering the period 1st April, 2023 to 30th June, 2023, be noted.
- (2) That figures in relation to fly-tipping be categorised into areas in future reports.

16 Highways and Environmental Services Select Committee Progress Tracker and Future Business

Resolved

That the Highways and Environmental Services Select Committee Progress Tracker and Future Business, as outlined in the report, be noted.

17 Questions Under Council Procedure Rule 11.8

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

18 **Comments of the Chair**

The Chair thanked all Members and Officers for attending and the information presented and constructive discussions and contributions made during the meeting.

The meeting ended at 7.40pm

CHAIR

Minutes of the Housing and Safer Communities Select Committee

**Thursday 20th July, 2023 at 6.00 pm
At Saltwells Education Development Centre, Bowling Green
Road, Netherton**

Present:

Councillor A Davies (Chair)
Councillor S Bothul (Vice-Chair)
Councillors A Aston, D Bevan, J Cowell, T Creed, P Drake, I Kettle, K Lewis,
J Martin and M Webb

Officers:

K Jones, Director of Housing and Communities and K Malpass - Democratic
Services Officer (Directorate of Finance and Legal).

1 Apologies for Absence

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

2 Appointment of Substitute Members

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

3 **Declarations of Interest**

Councillor J Cowell declared a non-pecuniary interest in relation to Agenda Item No. 5 (Programme of meetings and business items for 2023/2024) as a Council tenant.

4 **Comments of the Chair**

The Chair welcomed everyone to the first meeting of the Housing and Safer Communities Select Committee and provided a brief introduction of his expectations and requirements of Committee Members throughout the 2023/24 municipal year.

5 **Public Forum**

No issues were raised under this agenda item.

6 **Programme of Meetings and Business Items for 2023/24**

The Committee considered the programme of meetings and items of business for detailed consideration by this Committee during 2023/24.

During the discussion, Councillor J Cowell referred to the report on rent increase programmed for the September meeting and queried whether the report would include information on services charges. The Director of Housing and Communities indicated that the intention of the report on rent increase was to enhance Member's understanding on the requirements around rent increase and the impact the current increase had on residents and the Local Authority. Members would be encouraged to scrutinise the current processes in place and support informed decisions moving forward. It was envisaged that information around service charges would be incorporated in the Review of Housing Finance report programmed for 20th November, 2023 where financial proposals would be discussed and considered for the 2024/2025 municipal year.

In referring to the recent establishment of the Housing Assurance Board following Cabinet approval, Councillor J Cowell queried whether regular updates could be provided to the Committee. The Director of Housing and Communities indicated that draft terms of reference were currently being considered which would provide a link between the Housing Assurance Board and the Housing and Safer Communities Select Committee and would be submitted to the Committee once finalised to provide Members with a clear understanding of how the two groups would interact moving forward. It was essential that assurances were given to Members that work within the remit of the Housing Assurance Board was being carried out and what impact it had on communities. Membership of the Board was still being considered and assurances were given to Members that the Committee would be involved in some way to support and scrutinise the work of the Board. It was suggested that future updates provide information on how the Housing Assurance Board would support the work of the Dudley Federation of Tenants and Residents Association and associated groups.

Councillor A Aston referred to the project in relation to the stock condition survey, and queried whether a brief update could be provided on progress towards targets for each scheduled Committee. The Director of Housing and Communities indicated that the proposed report on Property Condition and Compliance update programmed for 13th September 2023 would include feedback on progress relating to the stock condition survey. She indicated that rather than reports being provided to each meeting of the Committee, Members receive regular written updates by e-mail which would allow responses to be provided in a timely manner. Members noted that the project was currently ahead of schedule and was expected to be completed by the end of the calendar year rather than by the end of the financial year.

Councillor I Kettle expressed concern at the low level of housing stock in the Borough that the Local Authority had jurisdiction over, which was considered to be around 13% of houses within Dudley. The lack of support for vulnerable residents in accommodation other than social housing was clear in all wards of the Borough which had resulted in properties being severely neglected due to some residents struggling to maintain properties due to being hospitalised for a period of time, incapacitated or struggling with mental health issues which often resulted in properties becoming empty. It was considered that more could be done within the Housing and Communities Directorate to support a higher percentage of tenants within the Borough to maintain their properties.

The Director of Housing and Communities indicated that around 8.4% of housing stock in the Borough was private rented, which was considered low compared to the national average. The percentage of owner occupiers in Dudley was slightly higher than the national average which produced challenges in terms of understanding property conditions and requirements on how houses should be managed and maintained. The private rented sector had an important role within Dudley and considerable work was required around that sector and it was envisaged that detailed information would be included in the report on the review of private rented sector programmed for 22nd January 2024.

Members were advised that the Local Authority had limited jurisdiction around the owner occupier sector unless properties posed significant risks of danger to the public, in which case Compulsory Purchase Orders could be considered, however, robust legal processes would need to be followed. Residents struggling with mobility or physical health issues may qualify for support from social care, however, appropriate assessments would be required in the first instance.

Councillor A Aston expressed his appreciation that the Committee's remit considered housing matters only, and queried whether there would be an opportunity to invite a representative from an Housing Association to provide the Committee with a presentation on requirements to residents as a landlord. The Director of Housing and Communities provided Members with a breakdown of figures in relation to various sectors of housing stock within the Borough. It was reported that regular meetings between the Local Authority and Dudley Housing Partnership were held, and both organisations were governed by the same requirements of the Decent Homes Standard and other regulatory standards overseen by the Regulator of Social Housing.

Councillor A Davies queried whether there were any groups/organisations that recorded data in relation to social housing, housing associations, private rented and owner occupier properties in the Dudley Borough. The Director of Housing and Communities indicated that she would liaise with the Housing Strategy Team and provide Members of the Committee with a written response.

Councillor I Kettle considered that the current council tax banding system operated by the Local Authority should also be considered as it provided information on the quality and type of housing available within the Dudley Borough. Members suggested that The Director of Housing and Communities investigate the possibility of providing Members the opportunity to allow more detailed scrutiny of the housing stock within the Borough.

Councillor T Creed queried the processes followed when considering options for derelict houses and disposal. The Director of Housing and Communities indicated that a stock appraisal was carried out on poor quality/derelict properties to understand costs involved in repairing and maintaining properties and whether during the net present value period (30-year period) the property would earn back the investment spent to bring it back into use. Consideration would also be given to a number of peculiarities of a property, the size of a property, number of bedrooms, driveways attached to the household, area in which properties were located and whether there were shortages of particular properties. Properties would only be considered for disposal should an appraisal result in significant financial loss for the Local Authority.

Councillor I Kettle indicated that a more proactive approach was required when considering bringing properties back into use and to identify “bolthole” category properties within the Borough. It was considered that there was a significant number of empty homes in the Borough that still held a tenancy, where residents had moved in with a partner but had held onto the tenancy for security reasons which often resulted in properties being left in poor condition.

Councillor A Aston suggested that the programme include additional reports relating to community safety. The Director of Housing and Communities indicated that there was a safety aspect around the items identified in the proposed work programme. Reference was made to the Safe and Sound Board, which was the Community Safety Partnership for the Borough and was a Multi-Agency Board chaired by the Borough Commander. There was a number of sub-groups attached to the Board that reported on various safety elements that fed into the Board frequently. The Director of Housing and Communities indicated that the structure of the Safe and Sound Board would be circulated to all Members of the Committee.

The Director of Housing and Communities indicated that the Local Authority were obliged to provide an annual report on the Community Safety Partnership, which would be submitted to the Committee on 13th March, 2024. It was envisaged that a community safety element would be incorporated into each report programmed for the Committee for the municipal year.

In responding to a question from Councillor K Lewis, the Director of Housing and Communities explained that developing a neighbourhood model for the community would ensure that the Local Authority reconnected with communities. Significant improvements were required, and it was envisaged that the report on the Neighbourhood Model programmed for 22nd January 2024 would provide an update highlighting improvements and progress. Consideration was being given to open community-based offices and the role of Housing Managers has been reviewed to ensure a focus on engagement with communities and Members. Members were advised that following the restructure, Housing Managers were now known as Housing Officers. It was expected that every resident was aware of their nominated Housing Officers and that Housing Officers were prominent in their allocated wards to focus on the needs of the residents moving forward.

In responding to a question from Councillor A Davies in relation to the officer structure of Housing Officers, the Director of Housing and Communities confirmed that there were currently thirty-six Housing Officers and six Team Managers that would be aligned to individual wards in the Borough and consideration would be given to the new boundary changes within the Dudley Borough.

Resolved

- (1) That the report on the programme of meetings and potential items of business for this Committee, be noted.
- (2) That the Director of Housing and Communities be requested to provide Members of the Committee regular updates on progress on the stock condition survey.

- (3) That the Director of Housing and Communities be requested to liaise with the Housing Strategy Team to ascertain whether there were any groups/organisations that recorded data in relation to social housing, housing associations, private rented and owner occupier properties in the Dudley Borough and provide a written response to Members of the Committee.
- (4) That the Director of Housing and Communities be requested to circulate the structure of the Safe and Sound Board to Members of the Committee.
- (5) That the Director of Housing and Communities, supported by the Democratic Services Officer, be requested to consider the possibility of providing Members the opportunity to allow more detailed scrutiny of the housing stock within the Borough.
- (6) That the Director of Housing and Communities be requested to incorporate a community safety element to each report programmed for the Committee for the municipal year.
- (7) That, subject to resolution (5) and (6) above, the Committee confirm the programme of business as outlined in paragraph 4 of the report submitted, subject to the need for flexibility to reflect any changes that might arise during the municipal year.
- (8) That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2023/24 municipal year.
- (9) That the terms of reference for the Housing and Safer Communities Select Committee, as set out in the Appendix to the report submitted, be noted.

7 **Questions Under Council Procedure Rule 11.8**

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

The meeting ended at 6.28pm

CHAIR

HSCSC/7

Minutes of the Housing and Safer Communities Select Committee

**Wednesday 13th September, 2023 at 6.00 pm
In Committee Room 2
At the Council House, Dudley**

Present:

Councillor A Davies (Chair)
Councillors D Bevan, J Cowell, T Creed, I Kettle, P Lee, W Little, J Martin,
S Ridney and S Stanley

Officers:

K Jones - Director of Housing and Communities, I Cartmell – Interim Strategic Lead for Customers and M Lyons – Interim Lead for Compliance and Building Safety (Directorate of Housing and Communities) and K Malpass - Democratic Services Officer (Directorate of Finance and Legal)

8. Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors S Bothul, P Drake, K Lewis and M Webb.

9. Appointment of Substitute Members

It was reported that Councillors P Lee, W Little, S Ridney and D Stanley had been appointed as substitute Members for Councillors K Lewis, S Bothul, P Drake and M Webb, respectively, for this meeting of the Committee only.

10. **Declarations of Interest**

Councillor J Cowell declared a non-pecuniary interest in relation to Agenda Item No. 7 (Corporate Quarterly Performance Report – Housing and Communities Directorate – Quarter 1 (1st April – 30th June, 2023)), Agenda Item No. 8 (Impact of the 2023/24 Rent Increase for Dudley Metropolitan Borough Council Tenants) and Agenda Item No. 9 (Update on Property Condition and Compliance) as a Council tenant.

11. **Minutes**

Resolved

That the minutes of the meeting held on 20th July, 2023, be approved as a correct record and signed.

12. **Public Forum**

The following three questions were raised by a member of the public who was unable to attend the meeting due to health issues.

- What were the timescales involved in allocating Housing Officers to areas within the Borough.
- Consideration of a review to take place on how Aerial Funding was allocated moving forward. It was considered that quorum numbers for meetings were currently too high which was affecting the voting requirements on how to use funding.
- In referring to the Reinforced Autoclaved Aerated Concrete (RAAC), the member of public, together with Councillor J Cowell queried the number of high and low rise blocks within the Dudley Borough that were affected and where those buildings were located.

The Interim Lead for Compliance and Building Safety acknowledged the risks associated with RAAC following the media coverage and had started carrying out surveys on all stock within the Borough, including void properties to ascertain the level of risk, given the age of Dudley's assets. It was anticipated that, following the completion of the surveys and the collation of data, information would be available in December 2023 in relation to the number of properties affected by RAAC and the financial consequences associated with those properties. Members were advised that surveys previously carried out indicated that RAAC material was not present in high-rise and some medium-rise blocks, however, an understanding of the level of the information contained in the original surveys carried out in 2018/2019 was required.

Resolved

That the Director of Housing and Communities be requested to provide written responses to the Member of the public.

13. Progress Tracker and Future Business

In referring to Minute Number 6(3) of the minutes of 20th July, 2023 in relation to accessing additional data and intelligence on all housing stock within the Borough and whether there were any bodies or organisations that would be able to provide information on property condition, particularly in owner occupied homes, the Director of Housing and Communities indicated that the Local Authority would need to commission an external organisation to undertake the level of work Members may require, which would impact significantly on Council budgets. Whilst it was considered that a reasonable level of data could be acquired through the census data, it was accepted that the information accessible would not meet Member expectations, however, information could be provided to all Members of the Committee if necessary.

Councillor I Kettle referred to the number of properties moving towards dereliction in the Borough and how challenging it currently was to identify those properties, particularly within the private/owner occupier sector. It was essential that properties in poor condition were identified early to enable minimal repair/maintenance to support the re-letting process, which would in turn improve the housing position in the Borough. Councillor A Davies indicated that figures evidenced a small proportion of social housing within Dudley's housing stock and whilst additional data was essential to ensure the Local Authority achieved its housing obligations, it was accepted that the cost involved in acquiring the information was significant.

In response to a question from Councillor A Davies, the Director of Housing and Communities indicated that specific figures involved in instructing an external organisation to carry out a more detailed analysis of owner occupier housing stock could not be provided as it would depend on the Council's requirements, however, it was expected that the amount would be significant. Funding would not be authorised through the Housing Revenue Account (HRA) as the budget was funded from Council tenant rent and could only be used to fund projects associated with Council owned properties. Information in relation to the private rented sector would be submitted to a future meeting of the Committee.

Councillor P Lee queried the Local Authority's responsibility in replenishing Council stock. Whilst Members expressed their appreciation of the level of work currently being carried out within the Housing and Communities Directorate in terms of Council owned properties, it was essential that consideration be given to the wider stock and explore opportunities to purchase properties to support the increasing demand and needs of residents in the Borough.

In responding, the Interim Lead for Compliance and Building Safety indicated that a programme to acquire properties back into the Council's housing stock had been developed to support housing demand, particularly those customers requiring to purchase properties through the Right To Buy (RTB) scheme. Whilst it was acknowledged that additional assets were required, robust systems were followed to determine properties that required disposal. Members were advised of the benefits of acquiring new build properties and confirmed that twenty-seven new build properties would be available for immediate release in the next three months. Whilst significant investment would be required to bring existing properties in dilapidation back into use, new build properties were covered under the National House Building Council (NHBC) warranty resulting in minimal maintenance during the warranty period. The Council was committed to purchasing good quality housing stock in all areas of the Borough that supplemented the Council's current housing stock to support customer demand.

In responding to a question from Councillor A Davies in relation to the number of RTB properties that had been purchased over the last twelve months, the Interim Lead for Compliance and Building Safety indicated that whilst exact figures could not be provided at the meeting, he confirmed that twenty-six Council properties had been lost during the last six-month period. Properties would continue to be purchased through the Council's RTB scheme; however, various methods were being explored to maximise opportunities to increase housing stock levels within the Borough.

In referring to the Committee's programme of business, Councillor D Stanley questioned the decision to submit a report on Community Safety Partnership including anti-social behaviour to the 13th March, 2023 meeting. It was considered that anti-social behaviour was an increasing problem in all areas of the Borough and progress reports should be provided regularly. It was essential that Members were updated on work associated with the Anti-Social Behaviour (ASB) Team, number of cases, action taken, and lessons learned to date to tackle ASB in the Borough. Particular reference was made to tenants being refused a transfer to alternative properties as a result of the level of ASB identified in areas as specific requirements of some tenants were unable to be met. Councillor A Davies acknowledged the comments made and indicated that further discussion would take place at the next agenda setting meeting, with the possibility of bringing the Community Safety Partnership report forward to an earlier programmed meeting.

In responding to a question from Councillor J Martin, the Interim Lead for Compliance and Building Safety indicated that capital receipts arising from RTB sales were used to fund the development of affordable housing, both new build properties and refurbishment of existing stock. Members were advised that the proportion of new build properties purchased using capital receipts was currently slightly lower in comparison to the number of disposals. Various initiatives and the demographic trend of the Borough were being considered to ensure that the core housing needs of customers were preserved, whilst ensuring a reasonable level of housing stock was maintained. The strategy and plans around disposals and purchases was queried and Members were advised that the idea was to generally replace properties in areas where disposals had been identified. The Interim Lead for Compliance and Building Safety referred to the ongoing work associated with the Stock Condition Survey (SCS) programme that Savills, an industry expert, was currently undertaking on all Council housing stock and indicated that an update would be provided to Members at a future meeting of the Committee following the development of the Council's five, ten and thirty year investment plans and priorities.

Councillor J Martin referred to the plans around acquiring properties in more affluent areas of the Borough and what safeguarding processes were in place to protect investment when applying RTB discounts for customers. The Interim Lead for Compliance and Building Safety indicated that whilst RTB schemes did not apply to new build properties, the Right to Acquire scheme did, however, the requirements differed. Core housing needs of families were being considered to support longer tenancies. Ongoing consideration was also being given to ensure the Council did not lose funding on housing eligible for the RTB scheme and updates would be provided to Members at a future meeting.

In responding to a question from Councillor S Ridley, the Interim Lead for Compliance and Building Safety confirmed that the Council had completed twenty-six RTB sales in the last six-month period, however, whilst it was acknowledged that the level of RTB applications were high, only a proportion of those applications received resulted in successful purchases. Members would be provided with accurate statistics of RTB sales for the last five-year period including the type of properties purchased.

In responding to a question from Councillor S Ridney, the Director of Housing and Communities indicated that the RTB scheme would not generally apply to properties that had been specifically developed or adapted for particular customer groups. Regulations and exemptions were considered with each application received, which was one of the reasons why not all RTB applications were successful.

Resolved

- (1) That the Housing and Safer Communities Select Committee Progress Tracker and Future Business, as outlined in the report, be noted.
- (2) That the Chair and Vice-Chair be requested to review the timings of the Community Safety Partnership report to an earlier programmed meeting.
- (3) That an update be provided to Members of the Committee at a future meeting on information in relation to private rented housing.
- (4) That an update be provided to Members of the Committee at a future meeting on the work associated with the Stock Condition Survey programme that Savills was currently undertaking on all Council housing stock.
- (5) That an update be provided to Members of the Committee at a future meeting on information in relation to the Right to Buy scheme.
- (6) That information be provided to all Members of the Committee on accurate statistics of Right To Buy sales for the last five-year period to including the property types purchased.

14. **Corporate Quarterly Performance Report – Housing and Communities Directorate – Quarter 1 (1st April – 30th June, 2023)**

A report of the Chief Executive was submitted on Quarter 1 of the Corporate Quarterly Performance report for the financial year 2023/24 covering the period 1st April to 30th June, 2023, specifically referring to services within the Housing and Communities Directorate. Further detail relating to directorate service delivery were outlined in the Service Summary Sheets attached as appendices to the report submitted.

The Director of Housing and Communities indicated that the report provided progress against the delivery of the new three-year Council Plan priorities and the Future Council Programme. Key Performance Indicators (KPIs) and targets were used to measure performance and were monitored regularly and reported on a quarterly basis.

Dashboard summaries highlighted four corporate quarterly measures for Housing and Community Services, one with improvements, zero consistent and three with worsening trends.

Areas of concern were being monitored closely within the Directorate of Housing and Communities to identify improvements. Targets below KPIs were reported to management teams at both service and strategic levels to ensure an understanding of the issues and ensure appropriate actions were being taken to address the concerns moving forward.

In referring to PI 2027 – Satisfaction on how anti-social behaviour complaints were handled, it was reported that satisfaction within the service was decreasing due to the lack of contact and time taken to resolve issues. The structure and operating model of the Anti-Social Behaviour Team was currently being reviewed to address the issues raised. Work was underway to further interrogate the survey data to identify the extent of any correlation between outcome and satisfaction, and to review the associated cases to get a better understanding of whether there were operational issues that must be addressed or whether customer perception relied entirely upon achieving desired results.

In terms of PI 1191 – Average re-let time for standard re-let, it was reported that the average re-let times had decreased from 60.23 days in Quarter 4 2022/2023 to 49.26 days in Quarter 1 2023/2024, compared to 61.7 days for the same period last year. However, the re-let time for standard voids continued to vary between property types. Members were assured that all Teams involved in the void process continued to review and refine procedures working together to minimise rent loss and void turnaround times.

In terms of PI 1899 – Rent loss, it was reported that the outturn was 1.97% compared to 1.92% for the same period last year, primarily due to an increase in void properties. Whilst improvement programmes were currently being identified to improve figures, rent loss associated with strategic voids would continue and managed through efficient decision making and project management. The end-to-end review on voids continued to have a positive impact on void turnaround times, which would in time have a profound effect on void rent loss in the future. Current focus within the services was on stock condition, which could potentially see an impact on void loss in the short term as additional checks were undertaken at void stage. A further review of voids requiring an investment decision was currently underway and a recommendation for each property would be made during Quarter 2.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- (a) In referring to PI 2027, satisfaction in which the way anti-social behaviour complaints were handled, Councillor S Ridney indicated that Members were being advised that delays were being experienced due to the lack of resources in the Anti-Social Behaviour (ASB) Team which impacted on the ability to deliver adequate services. In responding, the Director of Housing and Communities referred to the recent restructure of the Housing and Communities Directorate that had been carried out and indicated that a number of staff that had been successful in obtaining a position within the Directorate were from internal applications and had knowledge of the anti-social behaviour policies and procedures. Whilst Members were advised that there were vacancies within the ASB Team, it was considered that it should not be used as an excuse for failure in delivering adequate services.

- (b) In referring to the various sanctions imposed by the Local Authority for different levels of anti-social behaviour, Councillor S Ridney considered eviction to be the last option. Customers often complained to Members about the level of anti-social behaviour experienced from neighbours and whilst eviction was not necessarily the sanction required, Members wanted to be reassured that appropriate action was being taken by Officers. The Director of Housing and Communities explained the robust legal process involved when attempting to evict a tenant and the obligations of the Court system. Stringent requirements were requested to satisfy Court proceedings, which often caused delays and disappointed tenants. It was essential that communication between the Local Authority and Members improved to ensure that all parties were updated on any progress made in relation to anti-social behaviour complaints.

It was acknowledged that tenants needed to be educated on tenancy conditions and responsibilities involved in taking on a tenancy, together with the consequences of breaching those conditions. The lack of enforcement continued to be an issue and it was considered that imposing sanctions for breaches would encourage tenants to maintain property conditions. Robust measures were being considered as part of the new Neighbourhood Model to tackle breaches of tenancy, together with improved collaborative work with Members to explain the reasoning behind imposed sanctions to reduce Members querying officer decisions.

- (c) Councillor J Cowell queried whether performance indicator figures could be separated between the work associated with Housing Officers and the specialist ASB Team to provide Members with a more accurate figure of performance levels for each section. The Interim Strategic Lead for Customers indicated that as part of the new approach to targeting anti-social behaviour, it was envisaged that Housing Officers would identify and deal with the low-level anti-social behaviour incidents early and agree appropriate measures to satisfy all parties, whereas the specialist ASB Team would focus on the more severe complex ASB complaints received from tenants. However, collaborative work with both teams was essential to ensure anti-social behaviour issues were dealt with accordingly, which would see performance indicator figures improving moving forward. It was essential that Housing Officers were visible in communities to ensure customer expectations were met, together with improved communication with customers and Members. Leaflets would be circulated to tenants and Members highlighting key details of Housing Officers which would include photographs once the project had been completed.
- (d) Councillor J Martin referred to the current staffing structure, operating model and performance levels across the Housing and Communities Directorate, together with strategies to fill any vacancies. Current pressures of the Housing and Communities Directorate were referred to and the associated challenges as a result of the lack of resources in services that were currently struggling. In referring to the remit of the Select Committee, it was suggested that Members could, if deemed appropriate, submit recommendations to the Cabinet Member for Housing and Safer Communities to consider providing support to areas where performance levels were reported low. The benefits of having optimal staff levels and the right level of skills were referred to, particularly, Housing Officers, which would improve customer relationships, tenant behaviours, and reduce the number of anti-social behaviour complaints moving forward.

The Director of Housing and Communities indicated that adequate resources were available within the Directorate, however, may not necessarily be in the right service or role, which had created challenges. Regular restructures and reviews had recognised these anomalies and action had been taken where appropriate to transfer roles to utilise resources more effectively. A requirement of the new Social Housing Regulation Act was for Managers in the Housing Services to possess an appropriate level of housing management qualification to fulfil the requirements of the Act.

- (e) In responding to a question from Councillor J Martin, the Interim Strategic Lead for Customers indicated that a number of key factors including the profile of areas recorded from historical intelligence were considered when allocating Housing Officers to areas. Housing Assistants had also been allocated to support the housing functions of the role. In responding to a question from Councillor A Davies, the Director of Housing and Communities confirmed that there were currently thirty-six Housing Officers and eight Housing Assistants appointed compared to twenty-nine Housing Officers and five Housing Assistants previously employed.
- (f) Councillor D Stanley referred to PI 1899, percentage of rent loss and expressed concern in relation to the amount of money being lost on void properties, particularly when the demand for properties was increasing. It was considered that officers should take accountability for the failure and consider initiatives to bring figures to a more realistic level.
- (g) Members referred to the £108,580.04 loss attributed to 95 properties currently awaiting an investment decision and queried the reasoning behind the delays. In responding, the Interim Lead for Compliance and Building Safety indicated that the properties awaiting investment decisions were assets that had been identified as not being financially viable or did not fit into the current demographic requirements of the Council's housing portfolio.
- (h) Councillor D Stanley expressed concern with the level of void properties currently identified within the Borough and the cost involved in repairing/upgrading those properties to bring them back to a decent standard. It was essential that regular property condition inspections were carried out on all housing stock, which would reduce the costs involved when a property became void.

It was noted that properties in that category remained void in the event of an urgent reactivation of a property being requested. Delays had been experienced due to the significant number of properties identified, however, Members were assured that decisions would be made in the very near future. It was reported that the disposal of assets created significant financial benefits for the Council which would allow many properties to be added back into the Council's housing portfolio. Multiple factors were considered when making investment decisions, however, processes were currently being reviewed and improved figures would be observed moving forward.

Whilst the Interim Lead for Compliance and Building Safety acknowledged the comments raised, he indicated that not all properties in poor condition were due to tenant neglect. The Local Authority were required to fulfil the requirements of the Decent Homes Standard and invest appropriately in properties prior to allowing them to be placed back on the housing market. The Local Authority was committed to delivering and maintaining homes that were appropriate to customer need, however, whilst robust property condition assessments were carried out to determine the condition and future financial viability of properties, not all assets reached the standard required by the regulations and subsequently included in the disposal programme.

- (i) Councillor D Stanley referred to the lack of information included in the report in relation to capital lost as a result of rent arrears, particularly from tenants that had been evicted. The Director of Housing and Communities reported that performance indicators on rent arrears were performing better than expected with figures reported significantly lower in comparison to other West Midlands Local Authorities and Housing Association stock. Reviews were carried out frequently to monitor the way in which rent was collected and improvement were made where necessary.
- (j) In responding to a question from Councillor J Cowell in relation to the increased void turnaround times for bungalows, the Interim Lead for Compliance and Building Safety indicated that whilst bungalows were a popular property type, it was expected that void turnaround times for that type of property to be swift. He undertook to raise the issue with the supply chain that currently delivered the void programme and provide a written response to all Members of the Committee.

- (k) Councillor J Cowell referred to the Government's initiative in standardising modern methods of construction in order to remove barriers to innovation and encourage the wider use of modern building material, equipment and techniques and queried whether the requirements included new build properties. Challenges were experienced when new build properties were transferred to the Local Authority's housing stock when replacement materials were required as many materials initially used were supplier or housing development specific. The Interim Lead for Compliance and Building Safety confirmed that opportunities were being explored to standardise materials and equipment used across the housing stock, as it was important that sustainable materials were used moving forward.
- (l) In response to a question from Councillor J Cowell, the Interim Strategic Lead for Customers confirmed that three fixed Community Hubs would be provided and located in the main office of the Dudley Federation of Tenants and Residents Association (DFTRA), in the neighbourhood office in Chapel Street at the Highfields Estate. In communities where tenants were unable to attend any of the fixed Community Hubs, it was intended that surgeries would be held in public buildings at various locations within the Borough.
- (m) Councillor J Cowell expressed concerns in relation to the lack of tenants appointed to the Tenant Housing Board. The inclusion and empowerment of tenants to ensure appropriate feedback from tenant groups were provided to the Local Authority was essential. The Interim Strategic Lead for Customers acknowledged the concerns raised and informed Members of the interview process recently carried out and confirmed that two tenant roles had now been appointed to the Tenant Housing Board. It was important that the Membership of tenant groups consisted of both tenants and residents to understand the concerns across all communities within the Borough. Whilst acknowledging the comments raised, Councillor J Cowell referred to the Tenant Involvement and Empowerment Standards and raised concern that those Standards were currently not being complied with. In acknowledging the concern raised, the Director of Housing and Communities indicated that the new Customer Involvement Strategy was currently being developed and would include the involvement of various customer groups to ensure the objectives of the Strategy were met.

Resolved

- (1) That the Quarter 1 Corporate Quarterly Performance report covering the period 1st April to 30th June, 2023, be noted.
- (2) That the Interim Lead for Compliance and Building Safety be requested to provide a written response to all Member of the Committee on the details associated with the timescales around void bungalow turnaround times.
- (2) That “Know Your Community Housing Officer” information, including pictures and contact details for each of the six areas be submitted to all Members of the Council.

15. **Impact of the 2023/24 Rent Increase for Dudley Metropolitan Borough Council Tenants**

A report of the Director Housing and Communities was submitted to provide Members with an overview on the 2023/2024 rent increase for Dudley Metropolitan Borough Council (MBC) homes and the impact of the increase on tenants and Dudley MBC budgets.

The Director of Housing and Communities referred to the requirements of the Government’s Policy Statement on Rents for Social Housing 2022, and following appropriate consultation, the Government capped rent increases for 2023/24 at a maximum of 7% and on 27th February, 2023, Dudley Council approved a rent increase of 7% for 2023/2, equating to an additional £6m of income to the Housing Revenue Account (HRA). Substantial consideration of the level of rent increase was carried out through the budget setting process, recognising the financial impact on all tenants and what would be considered affordable, particularly in the current cost of living crisis.

Whilst it was recognised that a high percentage of customers received full or partial support to cover their rent, low-income households not entitled to claim financial support were mostly affected by the rent increase and provision had been put in place to signpost customers to available organisations for additional advice and assistance.

As at the end of Quarter 1, rent arrears amounted to £2.2m, down on the previous year by 0.90%, however, the number of accounts in arrears was up on the same time last year by 2.72%, indicating that there were more accounts in arrears but not necessarily larger debts. The average debt owed to Dudley in comparison to Local Authorities in the Region was recorded as one of the lowest. Accurate figures were provided in paragraph 9 of the report submitted. Support was provided to tenants to assist in maintaining tenancies and reduce rent arrears.

Although there had been an increase in the number of customers with rent arrears, the level of arrears currently remained low and manageable and had not resulted in any increase in customers at risk of losing their home due to non-payment of rent.

Whilst the impact of the rent increase on tenants was considered, Members were advised that the benefits of increased rental income to the HRA to fund essential works to improve property conditions and efficiency outweighed the impact of the 2023/24 rent increase to customers. However, the impact would be closely monitored to allow for early identification of and respond to any increasing concerns around affordability and tenancy sustainment.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- (a) In responding to a question from Councillor P Lee, the Director of Housing and Communities indicated that the average rent for the different property types across the Brough varied. Whilst accurate figures could not be provided at the meeting, a written response would be provided to Members of the Committee, however, Members were assured that the cost of rent was in line with local housing allowance rates.

- (b) Councillor P Lee expressed concern with the level of rent arrears accumulated and queried at what stage did the Local Authority intervene and offer support to tenants struggling to pay rent. The Interim Strategic Lead for Customers indicated that Officers were proactive in addressing issues relating to rent arrears. At the start of a tenancy, appropriate guidance and advice was provided to tenants to ascertain whether tenants would potentially struggle to pay their rent due to various issues, particularly due to the cost-of-living crisis. A measure currently adopted by officers at all levels was “think rent”, which encouraged officers to check tenant rent accounts prior to attending programmed home visits and provide advice on potential financial assistance to tenants struggling to pay their rent.
- (c) Councillor P Lee queried whether there was a system that could be adopted where the Local Authority was notified immediately when tenant rent accounts fell into arrears. The Interim Strategic Lead for Customers acknowledged the comment made and indicated that various initiatives were being explored to maximise opportunities to improve the level of arrears moving forward, whilst still considering the demographic profile of the Council’s customers. Members were advised that following a benchmarking exercise, the average rent owned by Dudley’s tenants was one of the lowest in the region. The Director of Housing and Communities indicated that whilst Members perceived the level of rent arrears to be excessive, the average rent arrears for tenants, which was calculated by the level of arrears divided by the number of rent accounts that were currently in arrears, equated to £108.16. Members were advised that the Council’s Income Team carried out an affordability check on all tenants with a rent account in deficit to ascertain whether a percentage of rent could be paid and set up affordable payment plans, rather than a customer deciding to cancel a direct debit simply because they were unable to pay the rent.
- (d) Councillor J Cowell expressed concern by the lack of support previously provided to tenants from the Income Team and the confusion between work associated with the team and that of the Council Tax Team. Customers that experienced difficulty in paying rent, usually had similar difficulties in paying Council Tax and it was considered that a more structured collaborative approach be adopted between the two teams when contacting customers to provide advice and support in relation to negotiating appropriate payment plans.

- (e) In referring to the 40% of tenants in receipt of Universal Credit (UC) payments, Councillor J Cowell indicated that not all tenants received full contributions towards their rent for various reasons.
- (f) Councillor S Ridney referred to the rent loss associated with supported housing and queried whether the Local Authority was eligible to claim any funding back due to the significant delays experienced from organisations employed to improve sheltered housing across the Borough. The Director of Housing and Communities confirmed that the Local Authority was unable to claim funding back on assets identified for decanting, however, should a breach be identified during an agreed refurbishment programme which caused significant delays and costs incurred as a result, appropriate legal advice and action would be taken.
- (g) In responding to questions from Councillors S Ridney and J Martin, the Director of Housing and Communities indicated that the arrears accumulated were from a range of tenants, whether in receipt of UC, housing benefit and those not eligible for any housing support. UC was generally paid directly to customers who were responsible for paying the housing costs, however, payments were not always received. The Local Authority was able to arrange for housing costs to be paid directly, however, a number of obligations would need to be fulfilled. More complicated cases of rent arrears were dealt with by the Complex Case Team to ensure tenants received the necessary support. Regular monitoring was essential to ensure customers felt supported by the Local Authority, especially during periods where tenant circumstances may have changed, and temporary financial payment plans were required.
- (h) In responding to a question from Councillor J Martin, the Director of Housing and Communities indicated that accurate figures of customers that were currently charged the underoccupancy rate would be circulated to all Members of the Committee.
- (i) In responding a question from Councillor D Stanley, the Director of Housing and Communities indicated that a written response would be provided to all Members of the Committee on the figure that had been “written off” as unrecoverable debt during the 202/2023 financial year.

Resolved

- (1) That the content of the report submitted to the meeting and comments made by Members, be noted.
 - (2) That the Director of Housing and Communities be requested to provide Members of the Committee with information on the average cost of various property types across the Borough.
 - (3) That the Director of Housing and Communities be requested to circulate to all Members of the Committee accurate figures of customers that were currently charged the underoccupancy rate.
 - (3) That the Director of Housing and Communities be requested to circulate to all Members of the Committee the accurate figure that was “written off” as unrecoverable debt during the 202/2023 financial year.
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16. Update on Property Condition and Compliance

A report of the Director Housing and Communities was submitted on Property Condition and Regulatory Compliance in Council owned homes.

In presenting the report, the Interim Lead for Compliance and Building Safety referred to issues with data quality and performance reporting that were identified relating to property checks and efficiency data in 2022, which had resulted in the Service’s self-referral to the Regulator of Social Housing (RoSH) on 10th March, 2023 to determine any breaches of RoSH Regulatory Standards. Following the results on 27th April, 2023 a recovery programme had been developed to fulfil the Local Authority’s obligations to bring all elements of the housing stock back into compliance with progress reported to the RoSH through monthly meetings.

Following communication from the Secretary of State in November, 2022 following the introduction of Awaab’s Law, the Local Authority outlined its intention to undertake a Stock Condition Survey (SCS) of 100% of homes in the Borough to verify information on damp and mould and highlight any potential future issues in assets with an average age of 60 years. The Local Authority had commissioned Savills, an industry expert, to undertake the SCS, through the Places for People Procurement Hub “Strategic Assets Management Services Framework”, which would provide significant information on every home in the Borough to enable the Council to review its five, ten and fifteen year investment priorities.

The SCS programme had been broken into three separate programmes, each consisting of circa 7,000 properties, which allowed Savills to manage the access process and allow resources to respond to any immediate Housing Health and Safety Rating System (HHSTS) or Decent Homes works that may be required. The no access properties would be addressed as the three phases progressed. The Local Authority had recently progressed to phase two of the programme and tenants had responded well in terms of access. Members were advised that following the completion of the first phase of the programme, it had been identified that the current position on Decent Homes was approximately 90.7% compliant and it was anticipated that Decent Homes compliance would be in the region of 80% following the completion of the SCS exercise. The potential volume of works and associated costs involved to recover the decent homes position would be observed in Quarter 4 of the performance report and updates following the Electrical Installation Condition Report would be provided to a future meeting of the Committee.

The recovery programme for the Building Safety and Compliance (BS&C) project had been split into two distinct streams and had moved at pace since it commenced in March 2023, which had included the establishment of a dedicated recovery team to deliver and oversee all strategic, operational and governance arrangements associated with the recovery of the Decent Homes and BS&C position across Asset Management and Housing Maintenance. The work to recover from a non-compliant position continued to deliver positive results and robust framework and governance arrangements had been put in place to validate the current recovery phase and to ensure that the Local Authority had effective arrangements and measures in place to prevent the risk of any future breaches of the RoSH Regulatory Standards.

Whilst the programme management and future arrangements were being embedded, the BS&C Team were working with the Housing Management and Communications Team to ensure that open and up-to-date communications with Members, customers, tenant groups and the Housing Board were maintained.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- (a) In referring to an issue raised by a constituent, Councillor D Stanley expressed concern at the lack of communication between gas contractors and tenants, particularly when arranged appointments were cancelled at the last minute. The Interim Lead for Compliance and Building Safety acknowledged the concern raised and requested that further details be provided to him, and action would be taken accordingly. Significant work had taken place between the gas contractor and the Local Authority recently to improve performance, however, the lack of engineers remained an issue. Steps had been taken to redeploy resources within the Council to ensure that emergency cases were attended, as well as considering recruitment opportunities to respond to out of hours and weekend incidents rather than relying on contractors to carry out the required work as well as focusing on the needs of vulnerable customers to ensure the right level of support was provided.
- (b) In responding to a question from Councillor J Cowell, the Interim Lead for Compliance and Building Safety indicated that frequent reviews were carried out to ensure customers needs were met and appropriate measures put in place to ensure that required inspections were carried out. Collaborative working with various housing services was essential moving forward to combine visits, identify work and carry out work in a timely manner which would improve efficiencies moving forward. Customers refusing access to properties would no longer be accepted and appropriate legal action would be taken to gain access to those properties. The BS&C project would incorporate all elements of materials and utilities to ensure the condition of all assets in the Borough were known.
- (c) Having clarified that the SCS programme would be funded from the HRA, Councillor J Martin queried the impact the £3.25m had on the planned repair/refurbishment programme. The Interim Lead for Compliance and Building Safety indicated that funding ringfenced for the SCS and property condition surveys would have been taken from the HRA, however, carried out over a longer period of time. The outcome of the programme would inform the short, medium and long term investment needs of homes within the Borough. The programme of investment had been paused whilst work to ensure properties were made safe for tenants was carried out which would provide financial efficiencies moving forward.

- (d) Councillor J Martin indicated that the £3.25m budget identified for the SCS project seemed high in comparison to previous funding allocated for property surveys and queried where the additional funding had been found. The Interim Lead for Compliance and Building Safety indicated that additional funding had been pulled from the 2024/25 investment and Energy Performance Certificate (EPC) programmes as each SCS generated an EPC for the property, which would, over a period a time, improve efficiencies and budgetary situations. The Director of Housing and Communities confirmed that the SCS programme would provide information to allow the Local Authority to develop an investment programme targeted towards property requirements and needs. Decisions had been made to pullback on non-essential projects in the short-term and prioritise HRA budgets on investing in existing stock in the Borough.
- (e) In commenting positively on the SCS project, benefits and improvements moving forward, Councillor J Martin queried whether any feedback had been provided from the Housing Board and Dudley Federation of Tenants and Residents Association (DFTRA) on the work associated with the SCS. The Director of Housing and Communities confirmed that the level of feedback received had been disappointing and welcomed feedback from Members. Following the self-referral to the RoSH, it was expected that the number of concerns and queries raised by tenants would increase and as a result, increased staff levels and resources were allocated to contact centres, however, the number of enquiries reported were low. Frequent joint meetings with the Housing Board and DFTRA continued to be arranged to ascertain tenant views. Following an invitation from the Chair, Mr M Smith, a representative of DFTRA, commented positively on the collaborative arrangements between the Local Authority and DFTRA and whilst complaints had been received from tenants, they had been actioned accordingly by the Service.

- (f) In responding to a question from Councillor T Creed, Members were advised that five posts were allocated for Building Inspectors focused on the housing stock condition with four currently in post, however, those four employees had been redeployed to support the work carried out by Savills. Members considered, however, that had an adequate level of staff been employed previously to carry out property condition surveys, the decision to commission Savills would not have been necessary. The Interim Lead for Compliance and Building Safety indicated that Savills currently employed around fifty-two staff focused on carrying out the SCS on Dudley's assets and considered that increasing staff levels within the Local Authority would not have been an effective use of Council budgets. It was essential that, in the short term, focus was made to ensuring the housing stock was made sustainable and in good condition to prevent inefficiencies moving forward. It was anticipated that, following the SCS project, a 10% SCS programme would be carried out year-on-year on properties to monitor condition and keep data up to date to ensure repair/maintenance work was carried out on the basis on need.
- (g) Councillor T Creed queried whether the decision to commission Savills was considered good value for money. The Interim Lead for Compliance and Building Safety indicated that tendering exercises were carried out which identified that the cost for Savills services was considered market average. Commissioning Savills was considered a good investment decision as the organisation currently provided services to approximately 60% of social housing and understood appropriate housing requirements. The viability model developed included 21,106 assets to be assessed which would establish clear future investment programmes moving forward.
- (h) In responding to a question from Councillor A Davies, the Interim Lead for Compliance and Building Safety explained the criteria used when identifying the order in which the SCS programme was carried out within the Borough, with properties having no record of condition surveys being carried out as a priority.

Resolved

- (1) That the content of the report submitted to the meeting and comments made by Members, be noted.

- (2) That Councillor D Stanley be requested to provide information associated to the complaint received by a constituent relating to the cancellation of a gas safety inspection at short notice to the Interim Lead for Compliance and Building Safety for appropriate consideration and action.
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17. **Questions Under Council Procedure Rule 11.8**

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

The meeting ended at 8.20pm

CHAIR

Minutes of the Public Health Select Committee

Monday 31st July, 2023 at 6.00 pm
At Saltwells Education Development Centre, Bowling Green
Road, Netherton

Present:

Councillor J Clinton (Chair)
Councillor R Collins (Vice-Chair)
Councillors M Evans, M Hanif, D Harley, P Lowe, E Taylor and K Westwood; J Griffiths (Co-opted Member)

Dudley MBC Officers:

M Abuaffan (Acting Director of Public Health and Wellbeing), J Pritchard (Public Health Manager) (Directorate of Public Health and Wellbeing); J Scobie (Assistant Team Manager – Waste, Fleet and Licensing), Leigh Whitehouse (Street Scene Group Manager) (Directorate of Environment); and H Mills (Senior Democratic Services Officer) (Directorate of Finance and Legal).

Also in attendance:

Councillor I Bevan (Cabinet Member for Public Health)
Councillors D Corfield (Cabinet Member for Highways and Environmental Services) (for Agenda item no. 6)
Councillor D Borley (Invitee as Ward Councillor for Lye and Stourbridge North) (for Agenda Item no. 6)
P Gass – Dudley Integrated Health and Care NHS Trust (for Agenda Item no. 6)
D Howells – Black Country Healthcare NHS Foundation Trust (for Agenda Item no. 7)
N Bucktin – Black Country Integrated Care Board (for Agenda Item no.8)
Together with Councillor J Foster and 3 members of the public.

1 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors M Dudley and W Little.

2 **Appointment of Substitute Member**

No substitute members were appointed for this meeting.

3 **Declaration of Interest**

Councillor R Collins declared a non-pecuniary interest in relation to agenda item no. 7 – NHS Quality Accounts, as a participant in the Research and Innovation activities.

Councillor P Lowe declared a non-pecuniary interest due to his current employment and being an active UNITE Trade Union Member.

Councillor K Westwood declared a non-pecuniary interest as an employee at Dudley Group NHS Foundation Trust.

Councillor I Bevan declared a non-pecuniary interest as an employee at Dudley Group NHS Foundation Trust.

Councillor E Taylor declared a non-pecuniary interest as her daughter was employed by Dudley Group NHS Foundation Trust.

4 **Public Forum**

Councillor J Foster, on behalf of constituents, raised questions in relation to High Oak Surgery, in respect of why Pensnett constituents were being denied an appropriate Healthcare Service, the amount of remuneration paid to a part-time GP and Locum GP's and what the current registration status was for High Oak Surgery at Brierley Hill Health and Social Care Centre, as it did not appear to be registered with the Care Quality Commission (CQC).

The Chair confirmed that apologies had been received from representatives of Dudley Integrated Health and Care NHS Trust (DIHC), and therefore requested that questions be submitted in writing, so that a written response from the DIHC could be arranged.

A member of the public raised concerns with regards to the lack of funding and support provided to the Lye area. The gentleman stated that he was a member of the Lye Community High Street Clean Campaign, who volunteered approximately 25 hours per week to clean the High Street and reported that he collected on average around 150 bags of rubbish per week. He expressed concerns with regards to the lack of environmental health visits to food premises within the High Street, particularly as there were known to be rat infestations within the area and the lack of enforcement with regards to the implemented No Alcohol Zone restrictions. He also raised concerns with regards to unfit properties located within the High Street and Vicarage Road which were dilapidated and the number of premises which appeared to house more people than it was designed for or safe to do so and it was questioned why these properties were not checked or inspected. He confirmed that several issues had previously been raised through Dudley Council Plus and local Ward Councillors, but to no avail.

The Acting Director of Public Health assured the Select Committee that food inspections were conducted in accordance with Food Standards Agency guidelines. Any concerns or complaints in relation to specific premises should be reported to Dudley Council Plus, which would be responded to immediately.

The Chair stressed that the remit of the Select Committee was in relation to Public Health functions, and that Street Care issues did not fall within the remit of this Committee, however endeavoured to ensure that all concerns were portrayed to the relevant Directorates.

The three Ward Councillors for Lye and Stourbridge North unanimously concurred with the comments raised by the gentleman, however stressed that they were all active Members within the community and were willing to work collectively and collaboratively with the residents to try to resolve ongoing issues.

5 **Programme of Meetings and Business Items for 2023/24**

Members of the Committee considered the programme of meetings and potential items of business for the Public Health Select Committee during 2023/24.

In considering the suggested items of business and taking into account the comments made during the Public Forum agenda item, Members were of the view that an update on Life in Lye should be a standing item for future meetings.

In referring to paragraph 9 of the report submitted, Councillor P Lowe commented on the proposed consequential updates to the Council's Overview and Scrutiny arrangements and emphasised the importance in ensuring that the current call-in and scrutiny arrangements remained, in that individual Select Committees be responsible for the scrutiny of any call-ins and budgetary implications relevant to their specific service area/Directorate. It was recognised however that the scrutiny of Borough wide issues should be undertaken by the Overview and Scrutiny Committee.

Resolved

- (1) That the programme of meetings for 2023/24, be noted.
- (2) That subject to the comments referred to above, the business items as outlined in paragraph 4 of the report submitted, be noted and agreed.
- (3) That the Overview and Scrutiny Committee be recommended to continue with the existing arrangements for call-in and that the Medium-Term Financial Strategy report continue to be submitted to individual Select Committees for scrutiny.
- (4) That the Lead for Law and Governance, in consultation with the Chair and Vice-Chair, be authorised to make all necessary arrangements to enable the Select Committee to undertake its work during the 2023/24 municipal year.

- (5) That, subject to any necessary amendments as a result of resolution 3, the draft terms of reference for the Select Committee, as set out in Appendix 1 of the report submitted, be noted.
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6 The Life in Lye Programme

Members considered a report of the Acting Director of Public Health and Wellbeing providing an overview of the 'Life in Lye' programme and its approach to improving community cohesion and reducing health inequalities in Lye through a system-wide, place-based approach.

In presenting the report, the Acting Director of Public Health and Wellbeing commented on the different approach that was being taken for Lye and the challenges faced around community cohesion and safety.

J Pritchard (Public Health Manager) outlined the challenges in Lye, together with the features different communities in Lye had in common. It was stated that prior to the Pandemic, some community insight had been gathered through the 'Stories in Lye' project and that partners had previously met to share work updates and issues through the Lye Community Cohesion, Health and Engagement Group. Post pandemic, a wider group of partners had come together to consider how they could collaborate and utilise resources more effectively and efficiently to achieve better outcomes for the people living in Lye, which had resulted in the establishment of the 'Life in Lye' programme.

Members were advised that funding for the initiative had been received from the Integrated Care Board (ICB) and the Police and Crime Commissioner (PCC) and a core group had been convened. An asset-based approach would focus on values, principles and ways of thinking and would provide support to the community to build on their own strengths to increase resilience and reduce service dependency.

It was recognised that it would be a long-term process to mobilise a community that was disengaged, and it was important to listen and understand the perspectives of all communities.

The year one scope for the programme was referred to, which it was indicated would focus on health inequalities and community cohesion. The ways in which this would be achieved were also outlined and it was reported that progress was reported on a quarterly basis to the ICB and PCC.

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

- a) In response to a question raised by Councillor R Collins with regards to what quick fixes could be implemented immediately to encourage communities to get involved, J Pritchard (Public Health Manager) advised that some initiatives were already in operation, namely litter picks and community walks. Listening events were taking place to establish what the community aspirations were and how these could be progressed by the community with support. However, building trust and relationships with the community would take time and some of the complex issues would not be resolved overnight.
- b) Arising from a comment made by the Chair, J Pritchard (Public Health Manager) confirmed that the Lye Action Group that was previously established by the Chief Executive was different to the Life in Lye Core Group, however regular updates on work through the programme were provided via email to the Head of Chief Executives Office.
- c) Councillor E Taylor commented on the proposals to change the community's mindset, however emphasised the importance of ensuring existing resources were used effectively, in particular ensuring that Closed Circuit Television (CCTV) was fully operational and not obstructed to help identify and penalise acts of anti-social behaviour and fly-tipping. The need for enforcement by the Local Authority and West Midlands Police was also emphasised.
- d) In response to a comment made in relation to the need for all Council Directorates to work collaboratively to address issues within Lye, J Pritchard (Public Health Manager) confirmed that collaboration across Council Directorates and external partners was a core feature of the programme and was facilitated through a 'Welcome to Lye' network, which had met for the first time on 21st July, 2023 and which was attended by over 40 stakeholders.

- e) Members recognised the difficulties experienced in engaging with different communities and how the issues in Lye also had a negative impact on neighbouring Wards. Officers emphasised that expectations would need to be managed as issues would not be resolved quickly and it would take a significant amount of time to engage all communities. It was commented that similar programmes were implemented and had worked successfully in Birmingham and other areas of the Country, although it had taken some time for benefits to be evident.
- f) Councillor P Lowe commented positively on the report and model approach being used and suggested if successful could be transferred to other areas of deprivation and poverty within the Borough. However, it was considered that significant investment would be necessary to continue to make a positive impact and it was important to operate a twinned approach of cheap quick wins, together with long-term projects. The exceptional work undertaken by Public Health in changing mindsets and early intervention was recognised, however it was vital that all health partners and senior leadership were all on board with the project.
- g) Councillor M Hanif also welcomed the report and the many initiatives that were already in place, however considered that the year one scope did not tackle the direct issues with regards to fly tipping and the significant costs that were incurred by the Local Authority as a result of clearing the waste. It was considered vital that all Directorates were involved to ensure issues were addressed. It was commented that numerous requests had been made for CCTV data to be provided but to no avail. He also questioned whether and where funding for the project would be obtained after March 2024. In responding, J Pritchard (Public Health Manager) confirmed that alternative funding avenues were actively being pursued.

- h) In referring to fly tipping issues, the Cabinet Member for Highways and Environmental Services provided data for the Lye area from the beginning of 2023 and it was stated that there had been 45 fly tipping incidents, with 8 fines issued; 155 fines had been issued for littering, with notification of the fines published in the local newspaper. The Cabinet Member also confirmed that the issues previously experienced with the Councillor Contact application were being reviewed by the Cabinet Member for Corporate Strategy and all backlog issues were proactively being addressed. Moving forward it was the intention to provide updates on a monthly basis to all Councillors, which would also be published in the public domain of all works completed by the Street Care teams.
- i) Councillor R Collins referred to Appendix 3 of the report submitted, in particular the poor response by residents to the leafletting request that cars are moved to enable a deep cleanse and suggested that more decisive action was required to ensure effective cleansing was accomplished. In response, the Cabinet Member for Highways and Environmental Health commented that as part of the Phases 2 Environmental Health Directorate restructure a different way of working would be operated which could support this action.
- j) In referring to complaints raised by Members with regards to tree branches obstructing CCTV cameras within the Lye area, the Cabinet Member for Highways and Environmental Health agreed to pursue this matter following the meeting.
- k) Arising from a question raised by Councillor E Taylor with regards to how fly tipping incidents were reported, it was stated that a small proportion were from public reporting, however the majority were identified via CCTV or patrol. It was further stated that photographic footage of fly tipping culprits were published on Dudley's You've Been Shamed webpage, which it was suggested should also be circulated to Ward Councillors for information and possible identification.

Following deliberations, the Acting Director of Public Health and Wellbeing concurred that quick wins would inspire residents and agreed to pursue the matter further to identify suitable quick win actions, however emphasised that quick wins would not be sustainable unless communities were engaged and supported to change behaviours in the long term.

Resolved

- (1) That the report and activity that had already taken place with regards to Life in Lye and the alignment with the Council Plan, Health and Wellbeing Board Strategy and the Forging the Future Dudley Borough Vision, be received and noted.
- (2) That the requirement for Public Health to submit quarterly reports to the Integrated Care Board (ICB) and the Police and Crime Commissioner (PCC) on activity in line with the agreed funding proposals, be noted.
- (3) That the Acting Director of Public Health and Wellbeing pursue a twinned approach of quick fix options, together with long-term projects.
- (4) That issues raised with regards to fly-tipping, street cleansing and houses in multiple occupation, which fall outside of the remit for Public Health Select Committee, be referred to the appropriate Directorate.

7 **National Health Service (NHS) Quality Accounts – Black Country Healthcare Trust**

The Committee considered the published Quality Accounts of the Black Country Healthcare NHS Foundation Trust for 2022/23, including priorities set out for their services for the forthcoming year.

Following the presentation of the report by D Howells – Chief Nursing Officer, Members made comments and responses were provided were necessary as follows:-

- a) Members commented on the complexity of the report and the need for this to be amended to reflect the audience in which it was intended. D Howells (Black Country Healthcare NHS Foundation Trust) concurred with the comments, however advised that the structure of the report was set nationally.

- b) In response to Councillor E Taylor's comments with regards to violence experienced by staff and what measures were being taken to abate violence in the workplace, D Howells (Black Country Healthcare NHS Foundation Trust) stated that following implementation of the Violence and Aggression Strategy Group and the additional training provided to staff, as well as mitigation strategies put in place, violence and aggression in the workplace had reduced slightly. Measures continued to be implemented to improve staff wellbeing following an incident of violence, with a follow-up meeting held with a Director level member of staff and wellbeing support offered.
- c) Councillor D Corfield commented on the lack of Mental Health intervention for the younger cohort, in particular the 8 to 21-year-old age bracket. He also commented that local charity support, namely The What Centre, was not appropriately utilised. In response, D Howells commented that the Children and Young Person Strategy was currently being updated and may be an area of interest for further scrutiny at a future meeting. A written response with regards to why resources at The What Centre were not utilised would be provided following meeting.

Resolved

- (1) That the Quality Accounts of the Black Country Healthcare NHS Foundation Trust for 2022/23 and the priorities set out for the service for the forthcoming year be received and noted.
 - (2) That D Howells – Chief Nursing Officer provide a written response with regards to the utilisation of local charities, namely The What Centre, to assist with providing mental health support to young people.
 - (3) That a further report be submitted to a future meeting, a date of which to be confirmed, in relation to Children and Young People's Mental Health.
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8 **Development of Dudley's Integrated Model of Health and Care**

A report of the Dudley Managing Director – Black Country Integrated Care Board was submitted to advise the Committee on the progress in relation to the development of an integrated model of health and care for the people of Dudley.

In presenting the report, the Dudley Managing Director – Black Country Integrated Care Board referred to the cessation of the Integrated Care Provider procurement process in November 2022 and the review of Dudley Integrated Health and Care Trust (DIHC) as a result. The extensive work that had been undertaken to identify how services provided by ICP were referred to, together with the ongoing work to identify how services provided by DIHC would be provided in future.

Arising from the presentation, and in response to a comment made by Councillor P Lowe with regards to whether a special meeting of the Committee should be arranged to consider the impact to Dudley, the Dudley Managing Director – Black Country Integrated Care Board commented that work was currently ongoing and a report providing a clearer position of DIHC and the ICP was expected to be presented to the ICB in September. A further update was already programmed to be provided at the next meeting of the Select Committee in September.

In response to a question raised by Councillor M Hanif with regards to the excessive waiting time and 6 month delay for a young person to access the Early Years Speech and Language service, the Dudley Managing Director – Black Country Integrated Care Board agreed to report back on this matter, as he was not aware that the delay was that significant, although acknowledged that since the pandemic there had been a much higher demand for the service.

The Acting Director of Public Health and Wellbeing advised the Committee that Public Health Services that were provided by DIHC had now been put out to tender.

Resolved

- (1) That the current position in relation to the development and implementation of an integrated model of health and care for Dudley residents, be noted.

- (2) That the Dudley Managing Director – Black Country Integrated Care Board provide details of waiting times for young people accessing the Early Years Speech and Language service.
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9 **Update on High Oak Surgery**

As discussed during Agenda Item No. 4 - Public Forum, apologies had been received on behalf of representatives from Dudley Integrated Health and Care NHS Trust (DIHC). A written update had been circulated to Members of the Select Committee in advance of the meeting.

10 **Update from the Director of Public Health**

The Acting Director of Public Health and Wellbeing gave a verbal update on the Brockmoor and Pensnett Innovation Project and in doing so referred to the relocation of the High Oak surgery during the Covid pandemic. It was stated that Public Health had conducted a needs analysis and developed a cross party group to support the case of returning the surgery to the Ward.

It was stated that Brockmoor and Pensnett was the 2nd Ward in the Borough with the highest level of deprivation and that residents in that Ward were likely to live 9 years less than those in more affluent Wards in the Borough. It was also identified that Brockmoor and Pensnett had the highest level of obesity in children in England, which it was recognised would transpose into adulthood and the consequential impact this would have on system wide resources were outlined, together with other unmet needs identified.

The Acting Director of Public Health and Wellbeing advised that a system wide task and finish group had been established to try to reduce health inequalities, which would focus on three main aspects, namely, what professionals can do for communities, what professionals and communities can do together and what communities can do and an update on the progress made to date was provided. It was confirmed that the project group had secured 24 months support from the Connecting Health Community Initiative and a report had been submitted to the Economy Board asking for further support.

It was recognised that this approach was different to that being used in the Lye Community and should both be successful, the programmes would be adapted and implemented in other deprived Wards.

Arising from a question raised by Councillor R Collins with regards to whether Dudley would be the first Council to link obesity to poverty, the Acting Director of Public Health and Wellbeing confirmed that she believed that Dudley would be, although stressed that whilst quick wins could be implemented, it would take numerous years for there to be any evidence of tackling child obesity.

It was suggested by Councillor P Lowe that the Chair of the Public Health Select Committee should also be invited to attend future meetings of the Task and Finish groups.

Councillor P Lowe commented positively on the work being undertaken by Public Health to address inequalities, with limited resources and the need for this to be actively promoted and praised.

Resolved

That the verbal update be noted.

11 Questions under Council Procedure Rule 11.8

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

The meeting ended at 7.55 pm

CHAIR

Minutes of the Public Health Select Committee

Monday 18th September, 2023 at 6.00 pm
In Committee Room 2 at the Council House,
Priory Road, Dudley

Present:

Councillor J Clinton (Chair)
Councillor R Collins (Vice-Chair)
Councillors A Aston, B Challenor, M Dudley, D Harley, W Little, E Taylor, K Westwood; and J Griffiths (Co-opted Member)

Dudley MBC Officers:

M AbuAffan (Acting Director of Public Health and Wellbeing), S Dougan (Interim Head of Service), J Edwards (Public Health Manager) (Directorate of Public Health and Wellbeing); and H Mills (Senior Democratic Services Officer) (Directorate of Finance and Legal).

Also in attendance:

Councillor I Bevan (Cabinet Member for Public Health)
P King, M Nicklin, S Nicholls and H Codd – Dudley Integrated Health and Care NHS Trust (for Agenda Item no. 8)
S Cornfield – Black Country Integrated Care Board (for Agenda Item no. 7)

12 An apology for absence

An apology for absence from the meeting was submitted on behalf of Councillor M Hanif.

13 **Appointment of Substitute Member**

It was reported that Councillor J Foster had been appointed to serve as a substitute Member on behalf of Councillor M Hanif, for this meeting of the Committee only.

14 **Declarations of Interest**

Councillor R Collins declared a non-pecuniary interest as a member of the Patient Participation Group.

Councillors I Bevan and K Westwood declared non-pecuniary interests as employees at Dudley Group NHS Foundation Trust.

Councillor E Taylor declared a non-pecuniary interest as her daughter was employed by Dudley Group NHS Foundation Trust.

Councillor A Aston declared a non-pecuniary interest due to his employment with West Midlands Ambulance Service.

15 **Minutes**

Resolved

That the minutes of the meeting held on 31st July, 2023, be approved as a correct record and signed.

16 **Public Forum**

No issues were raised under this agenda item.

17 **5 to 19 Public Health Programme**

A report of the Acting Director of Public Health was submitted to update the Select Committee on the current Public Health workstreams relating to school aged children and young people in Dudley Borough.

The Interim Head of Service and Public Health Manager gave a detailed presentation with focus on five key areas, namely, childhood obesity, vaccination update, emotional health and wellbeing, risk-taking behaviours amongst adolescents and child poverty.

In referring to healthy weight it was reported that this had been a key focus in the Dudley Health and Wellbeing Strategy for the period 2017 to 2022 and would continue moving forward. An evaluation of the strategy had been conducted and was now published in the public domain, which highlighted that £1 million had been spent on tackling the issue, however Dudley continued to have a high prevalence of overweight and obese children above the national and regional average.

A new healthy weight programme was being introduced, namely the Henry programme, which had been designed to help reduce the number of reception age children classed as overweight or obese. This would be a holistic model to provide support to families with behaviour change in relation to nutrition, physical activity, and oral health.

Further initiatives available were outlined, which included the free and personalised support provided by the Family Healthy Lifestyle service for children and young people/families, which supported families to make positive changes to their lifestyle. It was reported that approximately 76 families were currently engaged with this initiative.

In referring to immunisations and vaccination uptake it was reported that this continued to be a challenge, although Dudley continued to remain the best performing local authority in the Black Country, operating above regional and national average. It was further reported that there would be a significant change with regards to immunisations from April 2025, with the responsibility transferring to local integrated care systems. Work continued to increase uptake within deprived areas and with ethnic minority communities. New ways to deliver vaccines within Dudley were being explored, which included pop up vaccine clinics and home visits and General Practitioners (GP's) were liaising with patients to emphasise the importance of immunisation.

In referring to the emotional health and wellbeing of children and young people, it was reported that a health-related behaviour questionnaire was conducted every two years, which clearly evidenced there to be a noticeable decline in how Year 10 students were coping and dealing with problems over a 10-year period which needed to be addressed. It was recognised that there was an increased demand for mental health services nationally and there was a real need to increase and improve emotional wellbeing for young people. The support currently available in Dudley was outlined.

There were ongoing concerns with an increase in self-harm in teenagers reported across Dudley and nationally. There were also concerns regarding contaminated substances leading to overdose nationally and regionally. Plans were in place to accurately gauge and improve support and prevention with partners and key providers to reduce the risk of harm. It was reported that whilst there had been a decrease in the rate of young people smoking, there had been an increase in vaping. Work was ongoing with Trading Standards to prevent illegal sales and support was provided through schools and Cranstouns Here4Youth project.

Support was being provided to schools to try to raise awareness of relationship and sexual health education, with training commissioned for school staff and nurses. An event was arranged for 10th October at Saltwells EDC to showcase the support available to schools to support their Relationships, Sex and Health Education (RSHE) work.

In referring to poverty and poor health outcomes, it was reported that a quarter of Dudley's children live in relatively low-income families. It was recognised that child poverty was not equally distributed across the Borough and that a co-ordinated response to address child poverty was required.

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

- (a) Arising from a question raised by Councillor R Collins, it was confirmed that self-harm was predominately higher in girls and that treatment was individually assessed and provided on individual needs.

- (b) In response to a further question raised by Councillor R Collins, the Committee were assured that measures to improve and address poverty would be focussed on those areas most in need in the first instance.
- (c) Councillor M Dudley referred to the decline in emotional health and wellbeing for Year 10 pupils, and questioned if there was specific data as to the reasons why. In response the Interim Head of Service advised that surveys were completed anonymously so they were unable to speak with specific pupils, however there were plans to undertake a deep dive mental health needs assessment in Dudley to help establish the cause.
- (d) Councillor E Taylor commented that it may be useful for future reference if a breakdown of gender and ethnicity of the children/young people that were suffering with obesity and those involved in initiatives were provided, and asked if parenting classes were still operated.

In responding, the Interim Head of Service confirmed that Health Improvement supported parents on how to cook nutritious meals and work was ongoing with schools to introduce cooking classes as part of the new Dudley Health and Wellbeing Strategy.

- (e) In response to a further question raised by Councillor E Taylor with regards to foodbanks, the Acting Director of Public Health advised that the team worked closely with the twelve foodbanks within the borough to support and encourage initiatives on how to cook healthy within a limited budget. The Public Health reserves which were allocated to support community hardship between 2022 and 2024 would be reviewed and the additional support currently provided to foodbanks could be extended should there be available funding.
- (f) Councillor J Foster commented that middle income families were also experiencing financial constraints and therefore the term low-income was considered too simplistic. It was considered that support should be provided based on disposable income to ensure a healthy diet for a child. She also requested to see a breakdown of ethnicity and gender for

obesity, as well as for those that experience issues with anorexia and bulimia. She also referred to the Child Poverty Act 2010 and commented that at the time of implementation of the Act, Central Government reduced budgets for the Public Sector and therefore asked what agencies and partners were doing to increase budgets to address child poverty. In response, it was confirmed that as part of the national child measure programme, those children identified as being underweight were closely followed up and both spectrums were closely examined.

The Acting Director of Public Health reiterated that £500,000 public health grant reserves were allocated to support community hardship between 2022 and 2024. This would be reviewed at the end of the time period and additional support would be provided, if available, to identified areas of risk. A copy of the detailed spending plan could be provided if required.

Resolved

- (1) That the planning to ensure developments reflect the growing numbers and increased diversity of children living in the Borough and focus on reducing child inequalities, be noted, and supported.
- (2) That the development of a system-wide strategy co-ordinating actions to mitigate the impact of poverty on children and to encourage system participation in the strategic mitigating poverty group and to join the cost-of-living training opportunity arranged for Councillors on 5th October, 2023, be noted and supported.
- (3) That the development and implementation of a system wide, evidence-based programme to prevent, reduce and tackle childhood obesity, be noted and supported.
- (4) That a revised communication plan to ensure children and young people, families, schools and others are aware of services available in the Borough to support health and wellbeing, be noted and supported.

- (5) That the Acting Director of Public Health circulate to Members of the Select Committee a copy of the detailed spending plan for the community hardship fund 2022 to 2024.
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18 **Development of Dudley's Integrated Model of Health and Care**

Members considered a report of the Dudley Managing Director – Black Country Integrated Care Board on the progress with work in relation to the development of an integrated model of health and care for Dudley people with specific reference to integrated pathway development.

The Programme Director, Dudley Health and Care Partnership was in attendance at the meeting and presented the report, in doing so outlined the background to the model and the reasons for implementing an integrated care model and referred to the areas recommended for review and the progress made for each identified pathway. Members were also referred to the three appendices attached to the report in relation to Jaundice Case Study, the Clinical Hub Presentation, and the Community Partnership Teams Presentation.

Arising from the presentation of the report and in response to a question raised by Councillor E Taylor, the Programme Director, Dudley Health, and Care Partnership, confirmed that the Local Implementation Teams covered the whole life course.

Resolved

That the current position in relation to the integrated pathway development, be received and noted.

19 **Update on High Oak Surgery**

A verbal update on the current position with regards to High Oak Surgery was provided by the Chief Operating Officer of Dudley Integrated Health and Care NHS Trust.

Members were advised that DIHC NHS Trust had worked with and supported the owner of the Galleria Pharmacy in developing a business case and seeking planning permission to convert the property adjacent to the Galleria Pharmacy to create a single consulting room at Pensnett linked to the Pharmacy. The proposal would need to initially be considered by the DIHC NHS Trust Board at its meeting on 7th November, and then ratified by the Black Country ICB to secure a relocation from the current portacabin site to the new pharmacy building.

Reference was made to staffing resources at High Oak which it was advised that one GP had successfully been appointed, together with a long-term locum who was already well known within the Community.

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

- (a) In response to a question raised by Councillor R Collins with regards to how the DIHC could see the proposals developing in the future, the Chief Operating Officer advised that at this moment in time key focus was to obtain approval from Black Country ICB for the initial business case. Due to the uncertainty surrounding the future of DIHC, no further assurances would be given.
- (b) Councillor J Foster commented positively on the update provided and suggested that an update also be shared on the DIHC and the High Oak websites.
- (c) In response to a question raised by the Chief Officer Healthwatch Dudley (Co-opted Member), the Chief Operating Officer advised that planning permission had been acquired and once the proposal had been agreed by the ICB, the proposed plans would be shared within the public domain. The current proposal was for one consulting room, and it was intended for the service to be operational five days a week, Monday to Friday. Car parking would be available at Galleria Pharmacy, however it was recognised that this did appear to get busy, and that further car parking may be available at the current High Oak Surgery should the portacabin be removed, although it was recognised that this was council land.

At this juncture Councillor R Collins advised that school staff were currently using the car park at Galleria Pharmacy due ongoing maintenance works at the school. This should be alleviated once building works were complete.

- (d) Councillor I Bevan commented positively on the update and the support that the Trust had provided to the Galleria Pharmacy.
- (e) Councillor W Little raised concern with regard to capacity and transport issues experienced by residents accessing Brierley Hill Social Care Centre, and suggested that GP appointments in Pensnett be retained for those that have limited transport.

Resolved

- (1) That the verbal update be received and noted.
- (2) That Dudley Integrated Health and Care NHS Trust provide an update on the current position with regard to High Oak on the Dudley Integrated Health and Care NHS Trust and the High Oak Surgery websites.

20 Update from the Acting Director of Public Health

The Acting Director of Public Health gave a verbal update on the Brockmoor and Pensnett Innovation Project and The Life in Lye Programme, and in doing so highlighted the work that had been carried out during the period since the last Select Committee as follows:-

Brockmoor and Pensnett Innovation Project

- a) A task and finish group had been established to address health and social care inequalities in the area, with three objectives identified, namely to support the return of a GP surgery in Pensnett and the management of long-term conditions and prevention.

- b) Childhood obesity was recognised to be high in the area and the Acting Director of Public Health had met with the Skills Board sub-group to help improve skills and economy in the area by providing IT equipment within community premises to inspire communities to change and improve their lifestyle.
- c) A Cost of Living Hub would be launched in October at the Grace Community Church in Pensnett, with representatives from the Family Hub and Health and Social Care staff also in attendance.
- d) Family Hubs were opened in August, 2023, which would support the promotion of the Henry project and childhood obesity programmes.
- e) Aging Well Festival would be held on 28th September, 2023 at Pensnett Community Centre, with NHS health checks provided.
- f) Work had commenced with Schools to help provide support with addressing poverty and childhood obesity.

The Life in Lye Programme

- a) It was reported that due to the diverse communities within Lye, a different approach was required initially to address community tension and to focus on quick wins.
- b) Community litter pick events were arranged, co-ordinated and promoted by the Community Development Worker, with the next date scheduled on 24th September, 2023. The events were supported by the local church and religious leaders attended to enhance the diverse community support.
- c) Regular Welcome to Lye events were held and the next date was arranged for 22nd September, 2023.
- d) Additional street cleansing support had been appointed, with two operatives now working full-time in the area.
- e) A Family Hub opened on 17th August, 2023, which would enhance the link to The Life in Lye Programme and help raise awareness of the Henry project.

- f) It was reiterated that The Life in Lye Programme was a community led project, therefore the pace would be slower. It was considered vital to develop connections and trust before addressing specific health and care issues.

Arising from a question raised by Councillor E Taylor with regards to Family Hubs, the Acting Director of Public Health confirmed that there were currently five local family hubs, located in five townships within the Borough. The specific locations would be circulated to Members following the meeting.

In responding to a further question raised by Councillor E Taylor in relation to how The Life in Lye programme was being communicated within the community, the Acting Director of Public Health stated that the usual methods of communication were not effective in Lye, therefore Public Health was working with the Community Development Worker, Community and Religious Leaders and Community Groups to help develop relationships initially to release community tension.

Resolved

- (1) That the verbal update be received and noted.
- (2) That the Acting Director of Public Health circulate to Members of the Select Committee details of the location of the five local Family Hubs.

21 Public Health Select Committee Progress Tracker and Future Business

The Public Health Select Committee progress tracker and future business was presented to the Committee.

The Chair advised that reports on the Council's budget proposals for 2024/25 would now be submitted to all individual Select Committees during the January, 2024 cycle of meetings. Therefore, to ensure necessary timeframes were met, the meeting scheduled to be held on 25th January, would be required to be brought forward to an alternative date. The proposed change would be subject to the agreement of the Monitoring Officer, in consultation with the Chair and Vice-Chair of the Select Committee, and Members of the Committee would be advised accordingly.

Resolved

That the Public Health Select Committee Progress Tracker and Future Business, be noted.

22 Questions under Council Procedure Rule 11.8

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

The meeting ended at 7.30 pm

CHAIR

**Minutes of the Audit and Standards Committee
Monday 17th July, 2023 at 6.00pm
In Committee Room 3, The Council House, Dudley**

Present:

Councillor A Lees (Chair)

Councillor D Borley (Vice-Chair)

Councillors S Ali, T Creed, J Cowell, M Evans, J Foster, S Keasey and W Little.

Officers:

I Newman (Director of Finance and Legal Services), G Harrison (Head of Audit and Risk Management Services), and K Taylor (Senior Democratic Services Officer).

Officers in Attendance via Microsoft Teams:

M Farooq (Monitoring Officer and Lead for Law and Governance), A Taylor (Senior Principal Auditor) and M Landy (Principal Auditor).

Also in Attendance:

A Smith and M Stocks – External Auditors (Grant Thornton) and T Tobin – External Auditor (Grant Thornton) (via Microsoft Teams) and R Cooper (Head of Financial Services) for agenda item no. 5 only.

1. Comments of the Chair

The Chair welcomed new Members to the Audit and Standards Committee and in doing so provided an overview of the role and responsibility of the Committee.

2. Apology for Absence

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

3. **Appointment of Substitute Member**

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

4. **Declarations of Interest**

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

5. **Minutes**

Councillor S Ali shared concerns that no further report had been submitted to the Committee following consideration of the findings of an internal audit report in relation to the Council's attendance at the MIPIM Conference at a previous meeting held in November 2022. Councillor Ali also referred to the role undertaken by the Leader and relevant Cabinet Members. The Committee had previously recommended that findings in relation to any individual or individuals be investigated under appropriate procedures including interviews with members. However no further information had been received.

In responding to comments made, the Chair referred to the extensive discussions undertaken during the previous municipal year with regard to the Council's attendance at MIPIM, and emphasised that the Committee had resolved that the recommendations set out in the internal audit report presented to the Committee in November, 2022 be endorsed.

The Chair further reported that a report and update on actions and/or any further processes or steps considered to be appropriate, as requested by the Committee, would be submitted to the next meeting of the Audit and Standards Committee in September, 2023.

In referring to the meeting held on 30th June, 2022, Councillor S Ali reported that an update had not been received following the Committee's recommendation to the Chief Executive to give further detailed consideration to the External Auditor's recommendation concerning the position of the Monitoring Officer.

In referring to Minute No. 68 – Annual Fraud Report and resolution number 3, the Director of Finance and Legal Services advised that following further investigation and subsequent discussions with the Chair, it had been agreed that a letter to the West Midlands Police and Crime Commissioner

in relation to the prosecution case discussed during the meeting was not necessary.

Resolved

That the minutes of the meeting held on 20th April, 2023, be approved as a correct record and signed.

6. External Audit Grant Thornton Annual Audit Plan 2022-23 and Annual Risk Assessment 2022-23

The Committee considered a report of the Director of Finance and Legal Services on the External Auditor's Annual Audit Plan 2022-23 and Annual Risk Assessment 2022-23.

Members welcomed A Smith to his first meeting of the Audit and Standards Committee, noting that M Stocks would be handing over responsibility for the audit.

In presenting a summary of the report submitted, A Smith outlined the scope of the audit in accordance with the Code and International Standards on Auditing and forming and expressing an opinion on the Council's financial statements. Risks requiring special audit consideration and procedures to address the likelihood of a material financial statement error had been identified as valuation of property, plant and equipment; valuation of the net pension liability and management override of controls. It had been determined that the planning materiality to the Council would amount to £11.3m.

Members were advised of the two auditing standards that had been significantly updated during 2023, relating to ISA 315 (identifying and assessing the risks of material misstatement) and ISA 240 (the auditor's responsibilities relating to fraud in an audit of financial statements).

It was noted that the findings of the Value for Money risk assessment for both 2021-22 and 22-23 financial years would be presented to the next meeting of the Committee scheduled to be held in September, 2023.

Reference was made to the 2020/21 Annual Auditor's Report to Cabinet on 27th June, 2022, highlighting that urgent action was needed to reduce the Council's significant reliance on use of reserves and introduce tight scrutiny of additional spending proposals. It was noted that the Council had assumed the use of reserves in 2021/22 to balance its budget but that the Council had been able to deliver an outturn significantly better than budgeted which therefore avoided the drawdown on reserves. However, following use of reserves during 2022/23, the Council's General Fund reserve as at 31st March, 2023 had reduced significantly from £28.5m to £21.8m.

It was further noted that the approved budget for 2023-24 relied on the use of reserves totalling £4.2m, further reducing the general fund reserve to £17m. A budget setting report was submitted by the Chief Executive and Director of Finance and Legal Services to Full Council in March, 2023 highlighting a number of risks to the budget including pay awards and shortfall in business rates.

Following a further report to the Cabinet in July, 2023, where proposals to reverse savings decisions were approved, the External Auditors were minded, at present, to consider that this represented a significant weakness in the Councils financial sustainability and governance, in particular as the Council had been unable to remain within its budget less than three months after the budget had been agreed.

M Stocks further emphasised the concerns raised with regard to the Council's financial sustainability and suggested that consideration may need to be given to implementing auditor powers, including statutory recommendations and related actions such as Public Interest reports, should the use of reserves continue. However, it was hoped that significant improvements may prevent this course of action.

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

- a) The Chair informed Members that an e-mail had been sent to the Leader, Deputy Leader and Cabinet Member for Finance, Legal and Human Resources on behalf of the Chair and Vice-Chair highlighting concerns with the issues raised within the Annual Auditor's Report.

- b) In responding to a request by the Chair, M Stocks agreed to provide further information on the External Auditor's powers used in areas including Nottingham City Council and the London Borough of Croydon. Although M Stocks emphasised that Dudley was not in the position whereby powers would be implemented at this stage, it was the responsibility of the External Auditors to share their concerns and findings in relation to the financial sustainability and encourage the Council to identify solutions.
- c) Councillor J Foster referred to the recommendations of the report as outlined in paragraph 2 and suggested that in view of the serious nature of the information presented and concerns raised by the External Auditors, that the Committee be minded to recommend further action as appropriate.
- d) In responding to a question raised by Councillor J Foster, the Chair confirmed that he had not yet received a response to his e-mail highlighting concerns regarding the financial sustainability of the Council.
- e) Councillor S Ali supported the comments made by Councillor J Foster and considered that an appropriate response should be made by the Committee highlighting concerns raised in relation to the key matters presented by the External Auditor. It was suggested that the Committee had raised issues in relation to the financial sustainability and governance for a number of years, however it was evident that these had not been addressed. Councillor Ali further raised concern that in view of the low reserves and forecasted general fund balance for 2023-24 being £14m, that any additional spending would prevent the Council from setting a balanced budget.
- f) Although the reversal on savings decisions in relation to Libraries were welcomed, Councillor S Ali echoed concerns raised by the External Auditors, in that the 2023/24 budget had only been approved three months prior, and suggested that the relevant Cabinet Member should have considered the impact to the Budget prior to approval in March, 2023. Further concerns were also raised in relation to Governance and press statements having been released in advance of formal decisions.

- g) Councillor S Ali, on behalf of the Opposition Group, emphasised the Groups aspirations for improving the financial sustainability and governance for the Council and prevent the need for further action by External Auditors, however there was some possibility of the situation escalating to that point and suggested that accountability and responsibility was needed by the Leader and Cabinet Member for Finance, Legal and Human Resources.
- h) In responding to a question raised by Councillor M Evans in relation to earmarked reserves and the appropriate level of reserves required, A Smith confirmed that the earmarked reserves had been assessed as relatively limited at £27.3m and being held for a clear purpose, and that the concerns raised related to the low forecasted general fund reserve, which were lower in comparison to other similar sized authorities. The need for the Council to rebuild the reserves was emphasised.

The Director of Finance and Legal Services confirmed that as of 31st March, 2022, the combination of the Council's General Fund and unringfenced earmarked reserves as a proportion of net revenue spend was 19%. The average for all Metropolitan Councils at the same date was 55%.

- i) In responding to a question raised by Councillor J Cowell as to whether discussions had been held with the Leader and Cabinet Members in response to the concerns raised, the Director of Finance and Legal Services confirmed that discussions had taken place. He referred to the Cabinet report presented on 6th July, 2023, that set out the implications of decisions and recommended the Cabinet to consider, in the light of the Council's financial position, whether to recommend to Council to amend the budget as reported. He confirmed that he had verbally explained to Cabinet members why the recommendations were worded in this way.
- j) Councillor S Ali raised further concern that issues had been reported to Members by officers but that it had not appeared to have elicited an appropriate response and requested clarification by the External Auditors as to what an adequate response would have been considered appropriate.

In responding, A Smith suggested that the refusal of the proposed reversal of savings decisions presented to the Cabinet on 6th July, 2023 would have been considered an appropriate response.

- k) In responding to a suggestion made by M Stocks that the Council should aim to have reserves of approximately £60m, Councillor D Borley considered this to be unachievable given that the reserves had generally been between £20m and £25m previously. The Director of Finance and Legal clarified that he assumed that the External Auditors were referring to the combination of General Fund and unringfenced earmarked reserves that stood at around £49m at 31st March 2023.
- l) Councillor S Keasey sought clarification as to the measures needed to improve the current situation and whether front line services would be affected.

In responding, the Director of Finance and Legal Services referred to the Council's position as a low taxing authority and that as a consequence the spending powers were lower than an authority with an average council tax. It was acknowledged that difficult decisions including those affecting front line services would need to be undertaken. He advised that it was important to return to the practice of considering the budget annually.

Following further discussion, the Chair agreed to formulate recommendations arising from concerns raised and comments made to the Leader, Deputy Leader and Cabinet Member for Finance, Legal and Human Resources, in consultation with the Vice-Chair and officers, on behalf of the Committee. Members were requested to submit any recommendations or comments via e-mail to the Chair.

Resolved

- (1) That the report on the External Auditor's Annual Audit Plan 2022-23 and Annual Risk Assessment 2022-23, be noted.
- (2) That the Chair be requested to formulate recommendations, arising from concerns raised and comments made, to the Leader, Deputy Leader and Cabinet Member for Finance and Legal, in consultation with the Vice-Chair and officers, on behalf of the Committee.

7. Re-appointment of the Standards Sub-Committee

A report of the Monitoring Officer was submitted on the re-appointment of the Standards Sub-Committee.

The Monitoring Officer provided an overview of the role of the Sub-Committee, as set out in the report, and that for a number of years, the Sub-Committee had comprised of three members, the Chair, the Vice-Chair and one other Member from the opposing party.

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

- a) Councillor J Foster queried whether three members were sufficient and challenged that the Sub-Committee and the Audit and Standards Committee were not diversely represented and suggested that equality implications had not been adequately considered.

In responding, the Monitoring Officer acknowledged comments made however confirmed that the existing arrangements for the Sub-Committee were approved by Full Council on 18th May, 2023. It was suggested, however, that the composition of the Standards Sub-Committee was a matter for the Committee to consider. It was confirmed that the members nominated to the Sub-Committee should be a serving member of the Audit and Standards Committee.

- b) In responding to comments raised by Councillor J Foster in relation to the three Independent Persons appointed by Full Council for a four-year term, the Monitoring Officer confirmed that an advertisement had been published in the Express and Star Newspaper seeking expressions of interest for the voluntary position, with three successful applications received and subsequently appointed. The Monitoring Officer undertook to consider comments made for future arrangements.

In responding, Councillor J Foster suggested that a financial incentive be considered to attract a larger demographic audience.

- c) Some Members agreed with Councillor J Foster's suggestion in increasing the number of Members appointed to the Standards Sub-Committee to five, whilst some Members considered that the existing arrangements had been satisfactory and working well with no issues or complaints raised.
- d) Councillor J Cowell acknowledged all comments made, however considered that there may be an opportunity to develop experience and knowledge of the process to other Members.

- e) It was confirmed that the quorum for a Standards Sub-Committee comprising five members would be three members.

Resolved

That the Standards Sub-Committee be re-appointed for 2023/2024 with its existing Terms of Reference and that the membership be extended to five members comprising of the Chair (Councillor A Lees), the Vice-Chair (Councillor D Borley), Councillor J Cowell, Councillor J Foster and Councillor W Little.

8. Committee Work Plan 2023-24

A report of the Director of Finance and Legal Services was submitted on a schedule of proposed items to represent a work plan for the Committee for the 2023/2024 Municipal Year, which was attached as Appendix A to the report submitted.

Resolved

That the information contained in the report and the schedule of agenda items to form the Work Programme of the Committee in the 2023/2024 Municipal Year, as detailed in Appendix A to the report, be noted and approved.

9. Audit and Risk Management Services Annual Performance Report 2022-23

A report of the Director of Finance and Legal Services was submitted on the performance of Audit and Risk Management Services for the financial year ending 31st March, 2023.

The Head of Audit and Risk Management Services presented the report, and in doing so confirmed that by the end of March, 2023, 93% of the Audit Plan had been completed, and outstanding work was being finalised. Forty-two areas of activity had been reviewed, and in addition, it was reported that three honorary audits, forty-two School Financial Value Standard assessment reviews and one multi-academy trust audit had also been completed. The audit work carried out had resulted in 466 actions and the priority classification of the actions as Critical, High, Medium, or Advisory were noted, together with the number of actions unimplemented from the previous year.

The table set out in paragraph 8 of the report, detailed a summary of the assurance ratings, and it was noted that 63% of audits had received a 'minimal' or 'limited' rating during 2022/2023.

A summary of the audits completed, and the assurance ratings given were outlined in Appendix A, with Appendix B detailing the audits that had been cancelled during the year and additional audits that had been added to the plan. Appendix C provided a summary of actions required by Directorates.

Reference was made of the nine-week target in producing and issuing the draft audit report from the start date of the audit, and it was noted that during 2022/2023, Audit and Risk Management Services achieved 89%, being above last year's performance but below the target set of 90%. It was acknowledged that some delays had occurred as a result of some large and complex audits that had been undertaken during the year.

Members were advised that the Audit and Risk Management Services had completed two additional significant investigations, requested by the Director of Finance and Legal Services and the Director of Housing and Communities respectively, which required significant resources from senior members of the team, which further impacted upon targets and other responsibilities.

It was noted that 86% of Managers had provided their initial response within the four-week target of the date of the draft report, compared to 94% the previous year. Audit and Risk Management Services currently have a target of issuing the final audit report within six weeks of the date of the draft report, which required the support and co-operation of Directors. It was noted however that during 2022-23, 50% of final reports had been issued within the six-week target, compared to 67% the previous year. It was acknowledged that the performance figures had been disappointing, despite the regular reminders to the managers of the target and support was available if needed.

Paragraph 19 of the report submitted detailed the 'minimal' assurance reports issued and the follow up reviews that had been undertaken.

The Head of Audit and Risk Management Services referred to the difficulties in achieving the income target, in particular that this had been missed by approximately £46,000, which had been covered by the current Principal Auditor vacancy.

The Head of Audit and Risk Management Services advised that the Chartered Institute of Public Finance and Accountancy (CIPFA) suggested that Members should evaluate their skills and knowledge on a regular basis and a questionnaire had been attached at Appendix D for this purpose. Members were advised that there may be a benefit to all Members updating the assessment which would then be used to identify any training needs.

In concluding, the Head of Audit and Risk Management Services then presented his annual opinion, in that based on the work undertaken, reasonable assurance could be provided on the Council's framework of governance, risk management and internal control. The main concerns to be reported to the Committee related to the self-referral to the Regulator of Social Housing, outcomes of the Ofsted inspection on the quality of services for children in Dudley and issues identified with the Council's approach to managing programmes, projects and contracts.

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

- a) In responding to a question raised by Councillor J Cowell, the Head of Audit and Risk Management Services confirmed that the assurance ratings outlined in paragraph 8 of the report submitted did include school audits, however school audits were not included in the graph shown in paragraph 9.
- b) Councillor J Cowell raised concerns of the low level of substantial assurance ratings for 2022-23, and sought assurances that there were sufficient staff and resources available within the Audit and Risk Management Services to undertake the significant amount of work planned.

In responding, the Head of Audit and Risk Management Services assured Members that although additional resources would be welcomed there was sufficient capacity for him to deliver his annual opinion.

- c) In responding to a question raised by Councillor J Foster in relation to the Principal Auditor vacancy and whether a market supplement could be considered, the Head of Audit and Risk Management Services referred to the challenges faced in the recruitment of the position.

- d) Reference was made to the income target of approximately £70,000, given to Audit and Risk Management Services which had resulted in the Team undertaking some consultancy work in order to meet the target set. Councillor J Foster raised concerns that the focus on achieving this target detracted from undertaking work in priority areas and the potential financial risk by not carrying out planned audits.

The Director of Finance and Legal Services referred to the complex nature of this situation and difficulties in identifying additional resources for Team, and acknowledged that the historical Income target should be removed with more focus given to core audit work. It was reported that a budget bid would be developed for consideration during the budget consultation in November, 2023.

Following concerns raised in relation to the reduced performance of 50% in issuing final reports within six weeks of the date of the draft report, the Committee recommended that the Chief Executive be requested to remind Directors of their required support and co-operation needed in this area to help improve performance going forward.

Resolved

- (1) That the information contained in the report and Appendices to the report submitted, and comments made by Members as stated above, be noted.
- (2) That Members be requested to complete the questionnaire attached as Appendix D to the report submitted, and forward to the Head of Audit and Risk Management Services.
- (3) That the Chief Executive be requested to write to Directors emphasising their required support and co-operation needed in relation to issuing final audit report within six weeks of the date of the draft report.

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

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

The meeting ended at 7.28pm

CHAIR

**Minutes of the Ernest Stevens Trusts Management Committee
Thursday 27th July, 2023 at 6.00pm
in Committee Room 3, Council House, Dudley**

Present:

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

Co-opted Member

J Jones (Friends of Wollescote Park)
H Rogers (Friends of Mary Stevens Park)
D Sparks (Friends of Stevens Park, Quarry Bank)

Officers:

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

Also in attendance:

Four members of the public.
Councillor N Neale for agenda item no. 6 only.

44 Declarations of Interest

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

45 **Minutes**

Resolved

That the minutes of the meeting held on 3rd April, 2023 be confirmed as a correct record and signed.

46 **Public Forum**

Mr and Mrs Bloomer were in attendance at the meeting and requested to address the Committee with regard to a Traffic Regulation Order (TRO) on Benjamin Drive and parking on Homer Hill. It was noted that Mrs Bloomer had addressed the Committee at its meeting in January this year with regard to this issue.

Mrs Bloomer, Secretary of the Friends of Homer Hill Park, addressed the Committee raising concerns in relation to the recommendations set out in the report submitted by the Acting Service Director – Environment Directorate to be considered by the Committee at agenda item number 6.

In response to the recommendation to accept that the TRO prohibiting parking and the associated double yellow lines be retained, Mrs Bloomer questioned why this was needed if it was intended to provide more parking as set out in the report. It was believed that this would take away a basic right that park users had to use the land for recreation, which included the roadway and the easement over the road and the land was still in trust for leisure and recreation.

In response to the recommendation to approve the proposal to create parking provision using environmentally friendly parking areas that could be created using permeable paving or matting, Mrs Bloomer advised that there would be twelve new parking places spread over both sides of the road, however, visitors would not be able to park anywhere else and all the remaining area would be lost. In addition, it was noted that not everyone with mobility problems were issued with Blue Badges that were needed to be able to park on double yellow lines.

In response to the recommendation to agree that the car park accessed off Homer Hill Road was opened to the users of the park subject to a height restricting barrier being installed and the car park to be extended into the tennis courts, Mrs Bloomer stated that there were no tennis courts left as they had been made into a car park, only a small basket-ball court remained. There were already twenty-two parking spaces, together with nine spaces by the park building which were used by the football teams who trained and played matches at times on weekends.

Mrs Bloomer stated that she believed that the entire area would become a public car park which would change the way the park was used which the Charity Commission may not agree to.

Reference was made to the possibility of anti-social behaviour and concerns that had been raised regarding the road being blocked to emergency vehicle access. It was noted that access was available from Ormonde Close via the knock down posts, however Lime Gardens staff did not highlight this issue. Reference was made to the Ormonde Close side, where yellow lettering on the road was present together with a level kerb and on the Lime Garden's side, there was a kerb with a small white notice on the railings yards away.

Referring to an event that had been held in June this year where approximately 350 people had been in attendance, Mrs Bloomer stated that she was not aware of any problems relating to parking, any road traffic incidents or problems with access for emergency vehicles and that parking on the roadside was essential for events where heavy equipment would need to be delivered. Reference was also made to the residents and visitors to the Lime Garden residential home and where parking was available.

In conclusion, reference was made to paragraphs 41 and 42 of the report in relation to Risk Management, specifically the possibility of the car park and parking areas becoming locations for anti-social behaviour, and that should the Charity Commission be requested to investigate the Council, they could request that the Council remove the yellow lines. Mrs Bloomer stated that she believed that the Council did not have a good record as Trustees, as they had already attempted to make a disposal of land without consulting the Charity Commission.

A resident of Lime Gardens addressed the Committee stating that he had been unaware of the parking situation when purchasing his property and referred to the road now being unsafe, especially for people trying to access the road with buggies or mobility scooters due to the parked cars and the challenges faced by road users to access the road, especially when the football teams parked their cars to use the park. Reference was made to the access available for emergency vehicles through Ormonde Close that had been raised, however it was acknowledged that access was regularly sought from Benjamin Drive and the problems that would be experienced due to parked cars. It was requested that this situation be resolved for safety reasons.

Mr Bloomer addressed that Committee specifically relating to the consultation regarding the adoption of the road which was Trust land of which the Committee oversees and its duty of responsibility to the Charity Commission on how they handled the land. Particular reference was made to a previous issue with relation to the disposal of land and the Charity Commission's advice to the Council that they would not accept such short-notice again and that any further disposal might lead to other consequences.

He believed that the root cause of the problem with Benjamin Drive on Homer Hill Park related to the lack of any meaningful consultation between the Council, Lime Gardens and the wider community, and not hearing the voice of residents as advised by the Charity Commission. No time had been given to discuss the issue with the Friends of Homer Hill Park, the Local Residents' Associations or holding a meeting with residents.

Alternative access routes to Lime Gardens were then presented and reference was made to shared access and the false impression that would be given to road users, that Benjamin Drive was an ordinary road if double yellow lines were installed. Reference was made to the busy periods namely Sundays when the football teams used the park and during school times and it was suggested that the restrictions on parking would only offset the problem of parking elsewhere. Reference was made to the issue raised in relation to safety and people's perception of safety and that other access to the area was available.

It was noted that the Friends of the Park held meetings regularly in the park where the view of the residents could have been obtained as opposed to the consultation that had been undertaken, which had involved a public notice being displayed requesting that members of the public contact the Council via the internet, however, it was noted that the link given had not worked. It was suggested that the Council consult with the residents of Cradley on how to improve Benjamin Drive.

Councillor Neale, Cradley and Wollescote Ward Member, was in attendance at the meeting and spoke on behalf of the residents of Lime Gardens residential home with regards to concerns raised in relation to the access to the property. A main issue related to the difficulties experienced by the residents travelling trying Benjamin Drive when cars were parked.

It was noted that the Ward Member had raised the issue with the Cabinet Member for Highways at the time and emphasised the difficulties experienced with passing cars when cars were parked, and in particular, wide emergency vehicles due to the already narrow road. It was noted that video evidence had been submitted highlighting the issue with parked cars.

In relation to alternative access and in particular, Ormonde Close, it was noted that the steepness of the road did not lend itself to the use of scooters. Reference was made to the car park accessed off Homer Hill not being used, and it was proposed that this be addressed and that the double yellow lines be retained and enforced for the safety of the residents and children using the area.

47 **Benjamin Drive Traffic Regulation Order and Parking – Homer Hill Park**

The Committee received a report of the Acting Service Director – Environment Directorate seeking the Committee's views on how to progress with the Traffic Regulation Orders (TRO) on Benjamin Drive and proposals to assist with parking.

In presenting the report, the Traffic Group Manager advised that on his recent appointment to the position, the TRO had been consulted upon and in accordance with the regulations, notices had been displayed correctly in September 2022 and objections that were received were then presented to the Cabinet Member for Highways at that time who took the decision to progress with the order.

It was noted that objectors were notified in January 2023 and reference was made to an objection that had been received by the Ernest Stevens Trust Management Committee at its meeting on 30th January from the Secretary of the Friends of Homer Hill as set out in Appendix 3 of the report. It was noted that arising from consideration of this issue, the Committee requested that the TRO on Benjamin Drive have a 'stay of happening' pending a review. An instruction was issued to the works team not to install the double yellow lines, however, the contractor did not receive the message and the double yellow lines were installed.

The team had been alarmed when a message had been received that the double yellow lines had been installed, and an investigation was undertaken as detailed in the report submitted. Reference was made to the current position with regard to access to the Lime Gardens residential home and the issues that would be experienced by emergency services should they require access to the home or other properties on Benjamin Drive, and access to the park itself should an emergency arise. Reference was made to safety issues as Benjamin Road being a narrow and winding road, and it was intended to keep the traffic speeds slow ensuring that there was a safe route through for cars, pedestrians and mobility scooter users accessing the road at the same time.

In conclusion, the Traffic Group Manager made reference to the proposals as set out in paragraphs 30 to 32 of the report, seeking to provide a balance between car users, those wishing to use the park and addressing the issue of safety for users of the park and those using the Lime Gardens residential home.

In response to a question raised by the Chair in relation to a narrowing of the area on Benjamin Drive, as detailed on the plan on page 24 of the report, the Traffic Group Manager referred to the banks on both sides of the area and the old trees in the location and the issue with the tree root networks underneath the ground and the possible risk of damage if disturbed. The Chair suggested that this issue be investigated further together with the issue of herringbone parking and the possibility of taking the other spaces a metre or two into the grass bank to address the issue of safety.

Arising from the presentation and issues raised in the public forum, the Chair referred to consultation with the public and stated that as a result of the consultation that had been undertaken, conflicting views had emerged in relation to retaining or removing the double yellow lines.

The Principal Lawyer stated that Legal Services had provided legal advice to the Highways Agency in relation to the report submitted and officers had endeavoured to present a balanced view. However, the position with regard to a conflict of interest was raised as Legal Services also provide advice to the Trust as landowner and, therefore if a solution to the issue could not be achieved that would satisfy all parties involved, the situation would need to be referred to external legal services who could specifically act on behalf of the trust. It was noted that should the issue be referred to the Charity Commission, the Commission would question the Committee whether independent legal advice had been obtained.

The Vice-Chair referred to the role of the Committee in this regard and provided a brief history of the issue, referring to the park's unique position as the only park in the Borough with a vehicular access running through it, and the concerns that were raised at the time. It was noted that the plans that had been presented to the Committee in relation to the additional parking facilities to be provided, would impinge on the land that the Committee had responsibility for, and reference was made to the covenant that stated that the land only be used by people to enjoy the land. Reference was made to the issue of parking that had been experienced in this area for many years, particularly on Saturdays and Sundays when the football teams used the park, and it was noted that the car park was used by the teams as they had access to it and used the changing facilities there.

It was stated that the road was a shared facility and that no meaningful consultation had been undertaken with the Committee, who had legal responsibility for the land, the Friends of Homer Hill Park or Ward Councillors who were fully aware of the concerns that had been raised over many years by local residents.

It was proposed that; the Committee consider this issue further with additional legal advice from the Council's legal services on the impact and any implications on the Trust, that a consultation exercise with local residents be undertaken to ascertain their views on the problem and how to reduce this, that the emergency services be informed of the issue relating to the parking on Benjamin Drive particularly on weekends, and suggest using alternative routes if necessary, allowing open access to the car park but issues with regard to anti-social behaviour to be addressed, that a notice be displayed in the area to inform the public that the yellow lines were not being enforced at this time. As a result of the consultation, if necessary, advice be sought from the Charity Commission in relation to encroaching on the land to provide additional parking. It was also suggested that the residential home be fully integrated with the Friends of Homer Hill to address issues within the area.

The Principal Lawyer referring to the issue of encroaching on park land to create additional parking, questioned if the beneficiaries of the Trust could then use the land for recreation purposes in line with the deed of the Trust, and reference was made to the transfer deed in relation to the private right of way and it was reiterated that external legal advice be sought due to a conflict of interests.

A resident of Lime Gardens referred to the parking issues also experienced on an evening when the footballers used the park for training purposes and the need to resolve the issue urgently.

Councillor Borley suggested that the football teams be approached with regards to the issue and encouraged to use the parking facilities provided.

In response to a question raised by Mrs Rogers in relation to the tennis courts and whether they were situated on park land and referring to paragraph 18 of the report, a possible conflict of interest in relation to the local Highway Authority, the Principal Lawyer undertook to clarify the position.

The Chair approved the suggestion to seek external legal advice and proposed that a site visit to the area be undertaken by Members of the Committee who wished to attend and suggested that the changing facilities in the park also be investigated. It was proposed that a further report be submitted to the Committee for consideration.

Resolved

- (1) That, approval be given to the Principal Lawyer to seek external legal advice due to a conflict of interest.
- (2) That, a site visit to the area be undertaken by Members of the Committee who wished to attend.
- (3) That, a further report be submitted to a future meeting of the Committee for consideration.

The Committee received a verbal report from the Strategy and Governance Section Manager in relation to vacant space available at the Mary Stevens Centre.

In presenting the item, the Strategy and Governance Section Manager advised that two Charities namely, Crafting for Carers and WeLoveCarers, who currently occupy space at the centre, had submitted an interest in leasing the vacant space and therefore, both charities had been invited to address the Committee and Members were asked to approve which Charity be allocated the vacant space.

T Bradley, representative from Crafting for Carers presented her case, and in doing so, confirmed the rooms that the charity was currently occupying comprised of a total of 79.88 sqm. Reference was made to the rooms the charity was formally requesting which would equate to 163.63 sqm which would make a total occupancy of 243.51 sqm. It was advised that WeLoveCarers, the charity also competing for the extra space currently occupied around 440 sqm of the building.

A breakdown of the room usage at the centre was then presented which included: storage of items to be auctioned or sold at craft fairs to raise funds for the charity, storage of materials, equipment, and meeting rooms. It was advised that the charity support organisations such as the NHS, care homes, schools, hospices, dementia groups, special needs settings and cancer charities, and produce and distribute between three to five thousand hand-made knitted stitched and crochet items a month, bringing support to anyone in need of relief or discomfort during difficult times.

It was noted that the charity's makers make the items at home and collect material and drop off their made items at a network of hubs where volunteer drivers collect the items made and bring new supplies.

The activities that would be undertaken by the charity in the rooms requested was then presented and included running workshops for the community to learn new skills, retaining skills, and provide a mental health support to the community.

The charity wished to expand to provide more community support including holding knit and natter and coffee groups and including younger children and more school's involvement, and the space on the ground floor would enable the charity to be more inclusive.

It was advised that the rooms currently occupied had been completely refurbished by the charity, with support and donations from the community, and a new floor had been laid. It was the charities intention to lay new flooring in the larger room should the Committee approve the tenancy request.

In conclusion, Ms T Bradley stated that the charity undertook a lot of charity work outside of the centre due to issues with space and would like the opportunity of having more space to be able to offer so much more to the community.

Arising from the presentation, Members asked questions and answers were provided at the meeting as follows:

- It was advised that the charity comprised of two senior leaders, five leaders, ten to twelve volunteer drivers, twenty occasional volunteers and approximately three thousand makers who make the items in their homes which are then donated.
- Items made included: bed socks and stress heads for care home patients, care bags that would be provided to newly diagnosed cancer and kidney patients, which would include items such as blankets, wash bags and eye masks, angel babies for bereaved parents and worry monsters for school children to help alleviate stress.
- It was advised that the rooms requested would become available on 8th August 2023 when the current occupant's lease expired. It was noted that the main room requested was G25, a large room opening out into the gardens.
- In response to a question relating to the outcome value offered to Dudley, it was confirmed that the majority of the three thousand makers were Dudley residents.
- Concern was raised in relation to shared space in the centre due to the attendance of vulnerable children, and it was questioned whether the charity had considered using alternative accommodation such as a local community centre. In response, it was confirmed that space would also be required for storage of equipment such as sewing machines to be used during the workshops, and it was confirmed that those attending workshops at the centre would be greeted and escorted to the rooms and children were only in attendance during the summer holidays.

The Chair thanked Ms T Bradley for her presentation and Ms T Bradley left the meeting.

Ms R Gardiner, a representative from WeLoveCarers, presented her case, and in doing so, confirmed that the charity provided support to unpaid carers and provided play schemes for children with disabilities. The charity were requesting more space due to an increase in work to be undertaken with organisations such as, Public Health, the Local Authority, the CDT, and education, who were requesting that the charity deliver more workshops on issues such as, eating healthy during the cost of living crisis, managing money and the provision of benefits.

Occupational Therapy and the Physiotherapy Service had also requested to use the centre as an outreach area due to its full disability access being on the ground floor, as opposed to their current location, which would allow the services to undertake service evaluations, assessments on patients such as children with cerebral palsy, and provide triage support and benefit reviews to parents and signposting to the appropriate services.

The Charity also envisaged providing play groups to under 5's in September when Leapfrog closed as there would no longer be placements available for that age group.

Arising from the presentation, Members asked questions and answers were provided at the meeting as follows:

- It was confirmed that the charity consisted of four staff and approximately ten volunteers a day attend for approximately four to five days a week. Other volunteers would also be involved during the summer holidays as the charity, in conjunction with the Local Authority and the CDT, would be providing five hundred places for children, two days a week, who the charity would provide with food as the children would be provided with free-school meals during school time.
- It was noted that approximately four thousand people had been assisted by the charity last year and this had not included support provided to children.
- It was also noted that play schemes were provided to children every Saturday (approximately twenty children attend), and Youth Clubs are provided to approximately fifteen to twenty children due to the size of the room. Beacon allows the charity to use one of their rooms to provide an Autism Café on evenings.
- It was confirmed that the benefit assistance provided by the Charity had resulted in approximately £350,000 of benefits to the public per year.

In response to a proposal presented by Members to consider reorganising the rooms at the centre to try to accommodate both charities and provide more space, R Gardiner confirmed that the charity would be prepared to consider alternative arrangements or sharing the facilities when appropriate. The importance of the need for her charity to be based on the ground floor was emphasised due to the complex needs of the children who attend and for safeguarding reasons.

Resolved

That, the Strategy and Governance Section Manager be requested to produce an alternative room allocation in the Mary Stevens Centre in conjunction with both Charities, to include a review of the visitor access arrangements into the building, and a report be submitted to the next meeting of the Committee for consideration.

49 Update on the Lawn Tennis Association Improvement Project

A report of the Acting Service Director – Environment Directorate was submitted providing the Committee with an update relating to the progress made with the Lawn Tennis improvement project.

In presenting the report, the Parks Development Manager advised that a grant of £280,537.11 had been received for the Lawn Tennis Association (LTA) to improve tennis court facilities within the Borough. It was noted that work had been commenced on all six sites and was progressing well. A complaint that had been received with regards to the working arrangements of the contractor on site had been raised with the LTA and had been addressed.

The surface of the courts had been prepared and were awaiting an acrylic bonding, which would be in the LTA associated colours of bright blue and green with white line markings and would be undertaken on 7th August 2023. The automated gates would then be installed which would provide access to the courts via an app-based system which the Council had already agreed on a charging system. It was noted that income generated from the hire of the courts would be reserved in a SINC fund and would allow the Council to provide future maintenance of the courts.

It was envisaged that the courts would be completed by early September this year and publicity regarding the improvements to the courts and promotional material relating to the charging and app-based system would be published before the courts could be accessed.

It was noted that free-coaching sessions would be made available to children and the LTA viewed Council tennis court facilities as an introduction to tennis playing with the intention of some players progressing on to club tennis.

In response to a question raised by Councillor Hopwood with regard to the free-coaching sessions and who would be providing the coaching, the Parks Development Manager replied that, in conjunction with the LTA, a procurement exercise would be undertaken to identify an appropriate coaching service.

Councillor Crumpton requested that an issue with regard to access to the courts at Wollescote Park be addressed due to the gates being locked and it was proposed that now new improved tennis facilities were available, an urgent review of changing and toilet facilities at the park be undertaken and that this issue be considered at the next meeting of the Committee. In response, the Parks Development Manager made reference to a Heritage Lottery project which other parks within the Trust had greatly benefitted from and proposed that funding available from such projects would be beneficial to the park.

In response to a concern raised by J Jones in relation to the contractors working at Wollescote Park and the condition of the courts and surrounding area, which the Friends of the Park had addressed due to safety concerns, the Parks Development Manager undertook to address the issue with the Contractors.

In response to a question raised by Councillor Cowell with regard to the procurement of the tennis coaches and who would be funding this going forward, the Parks Development Manager confirmed that the procurement of the coaches would be funded by the LTA or alternatively, the coaches would offer private tennis coaching which would be paid for and would pay the Council for use of the courts or provide free sessions. Reference was made to the use of the app-based system to book the courts and it was confirmed that staff would be available to support people in the use of the app in the first instance, and other Local Authorities that use similar apps have confirmed that the majority of people had booked courts successfully using the app.

It was confirmed that in line with the deeds, the booking system could be amended to ensure that those under the age of 15 years would not be charged to play on the courts.

Resolved

- (1) That the report submitted in relation to the progress that had been made with the Lawn Tennis improvement project, be noted.
 - (2) That the Parks Development Manager contact the Contractors on Wollescote Park to address the concerns raised with regard to the condition of the site.
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50 **Lease for Tintern House, Stevens Park, Quarry Bank**

The Committee received a verbal report from the Funding and Projects Manager on the current position with regard to the lease for Tintern House.

The Funding and Projects Manager advised that since the last meeting, further discussions had been held with the Emily Jordan Foundation Projects (EJFP), to request that they make progress with the lease. Unfortunately, Chris Jordan, the Chair of the Trustees did not wish to proceed further until all the remedial works and other issues had been addressed on the building and it was noted that this work had now been completed.

During the process of reporting to the Heritage Lottery, C Jordan explained that the foundation had suffered more financial losses than were originally anticipated and, in principle, the Heritage Lottery stated that once the capital works had been completed, and if there were any funds available in the capital fund, the Heritage Lottery may consider a transfer of funds to the EJFP to assist them at this difficult time.

However, it was noted that since then, the EJFP had advised that they were suffering quite significant financial difficulties, and they did not wish to progress any further with the lease, having already spent a significant sum of money on legal costs and they did not wish to incur any further legal costs by progressing with the lease until some certainty was available as to whether further funds would be made available to them.

It was also noted that officers had proposed a process, approved by the Lottery, requesting that a business case be submitted by EJFP setting out their finances, their cash flow and proposals going forward to reach a position of sustainability demonstrating how they propose to use additional funds.

It was stated that the final account had been agreed with the main contractor who had completed the building works and a full review of the capital fund was needed, to ascertain the capital remaining and then consideration be given to what EJFP proposed in their business and rescue plan.

In response to a question with regard to the remaining capital funds, it was noted that a contingency of approximately £15,000 had been anticipated.

The Principal Lawyer stated that whilst the financial information was important, it was equally important to establish what the EJFP had delivered for the community as they did not pay rent and have been in occupation of Trust property for two years and Mr Jordan had refused to instruct his solicitor. The Principal Lawyer stressed that should the Trust be in conflict with the EJFP, the Charity Commission would request that an external solicitor be instructed to obtain an independent opinion going forward as the Council's Legal Services had provided the Trust with legal advice on numerous occasions.

During a discussion that ensued where the outcomes and the conduct of the foundation was questioned, the Funding and Projects Manager referred to the foundation's positive elements of their involvement in the community whilst carrying out their duty to safeguard their trainees as many have learning difficulties.

In response, D Sparks stated that the Friends of Quarry Bank Park had used Tintern House to hold meetings free of charge when the Council owned the house. However, when EJFP became tenants of the house, the Friends were charged and subsequently a decision was made to hold meetings elsewhere. In referring to the foundation's financial situation, the previous opening times of the garden centre during the weekends was brought into question, and income that had been generated from the subletting of the café and the hiring of rooms was also questioned. It was proposed that legal advice be obtained, and discussions be held with the Heritage Lottery Fund and the Charity Commission to address the situation with regards to the lease urgently.

In response, the Principal Lawyer proposed that a detailed written report be submitted to the Committee for further consideration, to include information relating to the sub-letting of the café and any other income generated by the foundation, together with detailed evidence of the outcomes that had been agreed by the Trust in lieu of rent. The Strategy and Governance Section Manager echoed the comments made by the Principal Lawyer.

The Chair proposed that a detailed written report be submitted to the next meeting of the Committee for consideration, and a deadline for the completion of the lease be agreed. In response, the Funding and Projects Manager advised that Mr Jordan had confirmed that he would be willing to attend a meeting of the Committee.

Resolved

That, a detailed written report be submitted to the next meeting of the Committee for consideration.

51 Information Relating to Co-opted Members

The Principal Lawyer tabled information relating to the Co-opted Members of the Committee in relation to their Membership and the Members were requested to complete the information and return the forms back to the Principal Lawyer at the next meeting of the Committee.

52 Questions Under Council Procure Rule 11.8

A question had been submitted by the Secretary of the Friends of Wollescote Park with regard to the toilets and their current state of disrepair, the lack of facilities for baby changing, toilets not being open to the public and the general lack of maintenance. In response, the Chair proposed that the toilets, changing facilities and maintenance needed to be discussed at a future meeting. The Parks Development Manager advised that it was anticipated that general maintenance would be carried out on the toilets and the leak in the ladies' toilets would be addressed by September this year. It was noted that Green Flag status had not been achieved this year and a comment received from the judges related to more interpretation of the site being needed and the issue of submitting a request for lottery funding was again raised.

The meeting ended at 8.35pm

CHAIR

Minutes of the Licensing Sub-Committee 3
Tuesday, 4th July 2023 at 10.00 am
In Meeting Room 6, Saltwells Education Development Centre,
Bowling Green Road, Netherton

Present:

Councillor M Evans (Chair)
Councillors S Mughal and K Razzaq

Officers:

N Slym – Assistant Team Manager (Waste, Fleet and Licensing) (Directorate of Public Realm), T Holder – Solicitor and K Taylor – Senior Democratic Services Officer (Directorate of Finance and Legal).

1. Apology for Absence

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

2. Appointment of Substitute Member

It was reported that Councillor K Razzaq had been appointed as substitute member for Councillor A Goddard for this meeting of the Sub-Committee only.

3. Declarations of Interest

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

4. **Minutes**

Resolved

That the minutes of the meeting held on 21st February 2023, be approved as a correct record, and signed.

5. **Application for Grant of a New Premises Licence – AFC Birmingham, Illey Lane, Halesowen**

A report of the Interim Service Director of Environment was submitted on an application for the grant of a new premises licence in respect of the premises known as AFC Birmingham, Illey Lane, Halesowen.

The following persons were in attendance at the meeting:-

Mr J Baker – Applicant and Chairman and Secretary of AFC Birmingham
Mr A Rohomon BEM – Licensing Consultant for the applicant
Mr A Wheatley - Objector
Mr P Stockton – Objector
Mr S Howell – Objector

Following introductions, T Holder declared, for transparency purposes, that he was a colleague of Mr P Stockton, Objector, however he assured those present that he had not previously discussed the case with Mr Stockton and that they worked within different teams. All parties had no objection to T Holder, in his capacity as Legal Advisor to the Sub-Committee, being present in relation to this matter.

The Assistant Team Manager (Waste, Fleet and Licensing) then presented the report on behalf of the Council and confirmed that since the writing of the report, one of the four objections submitted had now been withdrawn.

Mr S Howell, local resident, then outlined the reasons for the objections, and in doing so referred to the primary concerns of residents in relation to public safety, given that the premises was situated off a narrow lane and accessed via a farm track. Due to the limited access available on site, further concerns were also raised to access by emergency service vehicles and the potential increase to traffic congestion should a premises licence be granted.

Reference was made to the potential anti-social behaviour issues within a rural area should the premises be allowed to sell alcohol for the requested licensable hours of Monday to Sunday between 12 midday and 23.00hrs. Although it was acknowledged that the site was of some distance from nearby buildings, the football pitch was within close proximity of residents who had reported that they could hear shouting and swearing by attendees. It was anticipated that this could be further exacerbated should alcohol be available before, during and after football matches / events as intended.

Given the nature of the premises being a Football Club it was evident that a number of children were in attendance on a regular basis, and therefore by allowing the premises to sell alcohol could result in a number of safeguarding issues for children on-site who were not being supervised appropriately, in particular potential access to the two neighbouring working farms equipped with agricultural machinery and livestock.

Mr Howell further commented on the potential increase of public nuisance should the application be granted and raised concerns that the application submitted had suggested the use of live and recorded music, including showcasing films, given that there were no sound restrictions to the existing porta cabins. He suggested that the application submitted was not specific in the type and number of events likely to happen during the year and therefore caused some uncertainty and concern to residents.

Reference was made to existing floodlights at the premises which was suggested had been used in contravention to the planning permission granted. It was further stated that the premises was situated on green belt and a local heritage site with an abundance of wildlife, in particular nocturnal animals such as bats and owls, which would be disrupted and disturbed. It was anticipated that the additional noise and lighting pollution resulting from the application being granted would be detrimental to the area.

Mr A Wheatley considered that the site was unsuitable for a licensed premises which was located in the middle of a working farm within a rural area and suggested that a nearby local public house, namely, the Black Horse, could be used by supporters and players as an alternative option.

In responding to questions raised by the Chair, Mr Howell confirmed that cattle were present on the field on one of the farms adjacent to the premises on a regular basis and should parents be consuming alcohol and not supervising their children appropriately, this raised some safeguarding concerns to the children's safety. He also confirmed that he had heard shouting and swearing during a football match from his daughter's bedroom.

In responding to further questions raised by the Chair in relation to access to agricultural machinery, Mr Wheatley reiterated the concerns raised to potential access to agricultural machinery located on one of the working farms and referred to difficulties encountered where a fire engine was unable to access one of the farms to attend to a fire.

At this juncture, the Assistant Team Manager (Waste, Fleet and Licensing) confirmed that no representations had been received from the Fire Authority.

In responding to comments made by the objectors, Mr A Rohomon confirmed that the site had been established as a football pitch since 1973 and a Rugby pitch beforehand. In referring to comments made in relation to a response to a fire at one of the adjacent farms, Mr J Baker confirmed that the difficulties encountered was trying to locate nearby fire hydrants and not in relation to access to the area. He also confirmed that ambulance vehicles had attended the site previously with no concerns raised.

Mr A Rohomon then presented the case on behalf of Mr J Baker and in doing so referred to the supporting documents submitted which had been circulated to all parties prior to the hearing and included aerial photographs highlighting the site and surrounding properties and boundary fencing.

Reference was made to the limited information contained within the public notice of the application which outlined the hours requested for the premises licence only. It was confirmed that the purpose of the application was to allow the sale of alcohol on the premises within a small bar area and occasional events during the off season which would be subject to conditions. It was noted that the applicant had included a condition to the operating schedule in where the outside space was used for an event this would be subject to event paperwork being completed and submitted to responsible authorities.

Mr Rohomon confirmed that the application sought a premises licence for 7 days a week between the hours of 12:00 and 23:00, and that as a football club, there were matches both at the weekend and during the week. It was noted that midweek games were varied and were not confirmed until the fixtures were released, and therefore the application provided a level of flexibility needed to accommodate all matches.

It was noted that Mr J Baker was the Chairman and Secretary for AFC Birmingham and is a member of a full Committee Team, that met once a month to discuss the club, taking it forward and developing youth sport. The Committee included voluntary members who were either retired or worked full time, including Mr Baker, who was also employed as a builder. Mr Baker founded the club following concerns about both the lack of facilities and how local children were being coached.

Mr Rohomon emphasised that it was not the applicant's intention to develop a destination pub and that the area where alcohol would be sold would be in a small portacabin on the site and reiterated that the Committee would not want to stay on the premises until 23:00 each night. The intention was for the patrons to buy alcohol and either sit with just a drink or with a meal and to the viewing areas for the pitch only. Whilst it was accepted that some revenue would be made each week, the profits would be put back into the club to help support local communities and continue offering sporting opportunities to young children.

It was noted that Mr Baker founded AFC Birmingham in 2012, and due to his passion and commitment, having started off with a youth team, quickly became recognised as a well-run club, which resulted in him agreeing to take over the football ground at Illey Lane, Halesowen in March, 2020. With the support of the committee, players and supporters, the facilities at the club have been greatly improved and a safe space created for young children and adults.

The club now run 6 teams, including S.Collins coaching and football development who train on a Wednesday evening at the ground, attracting up to 40 young women aged between 11-14. Local schools were also allowed to use the pitch to play their school football.

Reference was made to the adjoining properties and Mr Baker's commitment to being a good neighbour, including updating the lighting and allowing children of people working on the farm to play on the pitch.

It was noted that an average 40 people attended each week which included mainly friends and family of players.

A significant amount of work had been undertaken to the premises including upgrading the changing rooms and toilets; upgrading floodlights to directional and improved LED lighting and links with a Physic Therapist to offer free therapy to the players.

With regard to comments made by the objectors, Mr Rohomon assured the Sub-Committee that it was not the intention for people to be intoxicated at the premises and also suggested that the security of the agricultural machinery and access to the neighbouring farms were the responsibility of the owners and not Mr Baker.

It was further reiterated that no representations had been submitted by any of the responsible authorities. A local Ward Councillor had expressed their support for the application submitted which were included within the supporting documentation. It was noted that Mr Rohomon had contacted the four objectors to provide further details with regard to the application in order to try to address and alleviate the concerns raised, which resulted in one objection being withdrawn.

In responding to the objections raised, Mr Rohomon disagreed that traffic congestion would increase should the application be granted given that the football club had been playing matches since 2012. He suggested that claims of swearing and shouting could also have been heard at the local public house and gave assurances that stewards were on site to monitor behaviour and any patrons that displayed any anti-social behaviour would be removed and banned accordingly. He further reiterated that the site was enclosed from neighbouring farms, and that the concerns raised regarding lighting was not for consideration by the Sub-Committee.

It was also confirmed that Mr Baker had undertaken a personal licence course and understood his responsibilities as a premises licence holder.

In concluding, Mr Baker reiterated that the purpose of the application was not to open a pub but to provide a welcoming environment for players and supporters, and the additional income would enable the premises to become more self-sufficient instead of asking for financial support from parents, supporters, and other businesses. The Committee members were happy to support training and matches and it was confirmed that they would not open the bar if there was nothing scheduled at the premises.

Mr Howell acknowledged Mr Baker's motivation and determination, however stated that his concerns remained as to why the application for a premises licence requested licensable hours until 23:00, seven days a week. In responding, Mr Rohomon confirmed that the hours requested was to provide the premises the flexibility for opening in the event of football game changes and fixtures. Whilst it was accepted that the majority of games were held during the day on weekends, midweek games would finish later allowing for showers and hospitality. Mr Rohomon again confirmed that the premises would not be advertised as a public house.

In responding to a question raised by Councillor K Razzaq in relation to planned events should the application be granted, Mr Rohomon confirmed that a condition had been included to the operating schedule in where any proposed events would be subject to event paperwork being completed and submitted to responsible authorities, and risk assessments undertaken accordingly.

In responding to a question raised by the Chair, Mr Rohomon confirmed the days currently allocated for matches and training and reiterated that the premises would not open on days where these were not taking place.

In responding to a question raised by the Solicitor, Mr Rohomon confirmed that the proposed measures in promoting the four licensing objectives were contained within the operating schedule submitted including staff undertaking training which would be recorded and refreshed every six months or sooner if needed. A Challenge 25 policy would also be implemented, with children not being allowed to stand by the bar, and any unsealed alcohol drinks would not be permitted to be taken off site.

In responding to a question by the Assistant Team Manager (Waste, Fleet and Licensing), it was noted that the premises currently provided hospitality to players and supporters without alcohol and that there had been no complaints or issues raised.

Further to comments made and observations in relation to the licensable hours sought, Mr Rohomon, on behalf of the applicant, suggested an additional condition should the Sub-Committee be minded to grant the application as follows:

Where the Premises is not open for either a football match, training and/or an event, the Premises Licence will not have effect.

All parties were provided with the opportunity to sum up their cases, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented by all parties at the meeting, the application for a new premises licence in respect of the premises known as AFC Birmingham, Illey Lane, Halesowen be approved, in principle, subject to satisfactory discussions in relation to the implementation of Closed Circuit Television (CCTV) to address concerns raised in relation to the protection of children from harm, together with the conditions contained in the operating schedule to the application and an additional condition as set out below:-

Where the Premises is not open for either a football match, training and/or an event, the Premises Licence will not have effect.

6. **Transfer of Premises Licence and Variation of the DPS (Designated Premises Supervisor) The Broadway Service Station, 154 South Road, Stourbridge**

A report of the Interim Service Director of Environment was submitted on an application for a transfer of premises licence and to vary the Designated Premises Supervisor in respect of the Broadway Service Station, 154 South Road, Stourbridge.

The following persons were in attendance, at the meeting: -

Ms K Turley (West Midlands Police)
Mr R Jones (Environmental Health and Trading Standards)
Mr K Mann (Environmental Health and Trading Standards)

It was noted that neither the Designated Premises Supervisor nor the Premises Licence Holder were in attendance at the meeting.

Following introductions, the Assistant Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council, referring to the application that had originally been received on the 18th April 2023 to transfer the premises licence and vary the Designated Premises Supervisor. It was noted that the matter was due to be considered by the Licensing Sub-Committee on 1st June, 2023 however at the request of the applicants solicitor the matter was deferred to a future meeting.

The Assistant Team Manager (Waste, Fleet and Licensing) further advised that notification had been received that Hayleys Solicitors were no longer representing the Designated Premises Supervisor. A further request had been received on 3rd July, 2023, from Forrest Solicitors who had recently been instructed by the Designated Premises Supervisor, and requested that the application be deferred for them to prepare representations on behalf of their client.

In considering the request for deferment, having already deferred consideration of the application previously and concerns raised that the Premises Licence Holder and Designated Premises Supervisor had failed to attend two hearings despite sufficient notice being given, the Sub-Committee agreed to hear the matter in the absence of the Premises Licence Holder and Designated Premises Supervisor.

Ms K Turley presented the representations of West Midlands Police relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003, and outlined the reasons that had resulted in the objections to the transfer of the premises licence and variation of the designated premises licence.

It was noted that on 11th April, 2023, two sixteen year old females were sold a disposable e-cigarette, and intelligence had also been received that the premises were selling illegal oversized e-cigarettes. Following the test purchase and having entered the premises, an unknown male was present stacking the shelves and was informed of the underage sale. Having identified illegal e-cigarettes in a display cabinet on the shop counter, Trading Standards Enforcement Officers carried out an inspection of the premises under the Consumer Rights Act 2015. The inspection found additional illegal e-cigarettes under the counter and three further boxes on the floor, which were then seized. Having been informed of the inspection, the proposed designated premises supervisor, Mr Salar, attended the premises and was aggressive and obstructive and refused to provide his details.

During the seizure of the illegal products, it was reported that Mr Salar assaulted one of the officers present, and the Sub-Committee were informed that Mr Salar was currently under investigation by West Midlands Police for Common Assault.

The Sub-Committee were further advised that on 18th April, 2023, Trading Standards Enforcement Officers visited the premises and seized an illegal e-cigarette and a packet of counterfeit cigarettes. Following the seizure, officers intended to conduct a full inspection of the premises under the Consumer Rights Act 2015, however they were unable to gain access as the roller shutter on the premises had been pulled down and locked to prevent entry.

It was noted that on 16th May, 2023, Trading Standards Enforcement Officers, assisted by Officers from West Midlands Police, executed search warrants granted by Dudley Magistrates Court at the premises following suspected storage and sale of illegal tobacco and disposable e-cigarettes. During the search, a large amount of counterfeit cigarettes and illegal oversized e-cigarettes were recovered from a motor vehicle and residential property, both of which were associated with the shop premises and business operators, leading to a criminal investigation being pursued.

It was also noted that on 19th June, 2023, a 15 year old test purchaser was sold a can of 4% alcohol by volume, namely Strongbow Cider, by a male identified to be Mr S Mehmud, the proposed premises licence holder.

In concluding, Ms Turley stated that the West Midlands Police strongly objected to both the transfer of premises licence and variation of the designated premises supervisor for their failure to uphold the licensing objectives in relation to prevention of crime and disorders and protection of children from harm and a number of ongoing investigations by Trading Standards.

Mr R Jones shared his concerns and supported the representations submitted by West Midlands Police and in doing so informed the Sub-Committee that details provided by Mr Salah during the seizure of illegal e-cigarettes on 11th April, 2023 were false. It was also noted that a notice had been served to the premises in accordance with the Policing Act 2014 to close the premises for a three-month period following complaints received in relation to nuisance, sale of alcohol to children and the sale illegal products.

It was suggested that Mr Salar continued selling the illegal products despite being informed that they were counterfeit.

All parties were provided with the opportunity to sum up their cases, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented by all parties at the meeting, the application for the transfer of premises licence and vary of Designated Premises Supervisor in respect of the premises known as the Broadway Service Station, 154 South Road, Stourbridge, be refused.

7. Application for Renewal of Consent to Engage in Street Trading – Build A Burga Ltd

A report of the Interim Service Director of Environment was submitted in respect of an application made by Mr M Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre.

The following persons were in attendance at the meeting:-

Mr M Ikhlas – Applicant
Mr M Bieganski – Strategy and Governance Section Manager
Councillor C Bayton – Local Ward Councillor and Objector

Following introductions, the Assistant Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council, advising that an application had been received from Mr M Ikhlas on 20th March, 2023 to renew the consent from the 2nd August, 2023 in Stone Street Square, Dudley to sell Burgers, Fries and Canned Drinks, Monday to Sunday between the hours of 12pm to 11pm. The application together with details of the proposed site and photographs of the trading vehicle had been circulated to the Committee and interested parties.

Mr M Bieganski, Strategy and Governance Section Manager, made comments on behalf of Corporate Landlord Services in particular that it was understood that the Stone Street Square area was not a designated public highway and was owned and maintained by Dudley Council as a public space. It was reported that the department would have objected to the original application, which was considered by a Licensing Sub-Committee on 2nd August, 2022, however they had not been consulted at the time.

It was noted that Dudley Council had recently agreed terms to relet the former Glasshouse restaurant, located on Stone Street Square, for use as a good quality restaurant which was due to open shortly and it was considered that the presence of the applicants vehicle was not appropriate for the area. Reference was also made to the detailed discussions undertaken by the Council in relation to the redevelopment of the businesses around the square amounting to a proposed £4m investment.

In responding to comments made, Mr Ikhlās suggested that his business would not affect the re-opening of the restaurant and that the location on which he had traded from since August, 2022 was agreed by the Council, however he would be agreeable to situate the van wherever the Sub-Committee deemed appropriate within the square.

Councillor C Bayton then presented her representations and in doing so stated that the location was a pedestrianised area and was accessed by two bollards, however these had since been removed. Concerns were raised on the number of delivery drivers driving into the square to collect online orders and with the anticipated increased footfall following the re-opening of the restaurant, this could result in crime and disorder and anti-social behaviour within the area. Councillor Bayton further confirmed that she had no concerns or objections to Mr Ikhlās application for a street trading consent but objected to the area requested.

In responding to comments made, Mr Ikhlās confirmed that he had contacted Dudley Council requesting replacement of the bollards but that he had not yet received a response, as he was also concerned of the safety of pedestrians.

In responding to a question raised by Councillor K Razzaq, Councillor Bayton confirmed that there had been no complaints received from constituents in relation to Mr Ikhlās with regard to his business, however it was noted that during the last twelve months, the restaurant had been vacant. In responding, Mr Ikhlās referred to the increase in the number of vehicles associated with the restaurant on the pedestrianised area during the refurbishment works.

Mr M Ikhlās then presented his case and in doing so stated that his vehicle was not a standard burger van and that the business had been successful and popular with local businesses, council employees and college students, with some customers attending from areas including Birmingham and Wolverhampton. Mr Ikhlās welcomed the re-opening of the restaurant and reiterated that he would be agreeable to situate the van wherever the Sub-Committee deemed appropriate, however requested that he remained on Stone Street Square where he had built his reputation.

Mr Ikhlas further stated that he had been flexible and accommodating since his consent had been granted by not attending on days to allow for scheduled events and filming. He further stated that the majority of his trade related to walk-in customers rather than online orders due to associated excessive fees.

In responding to questions raised by the Chair, Mr Ikhlas confirmed that he would prefer to remain in the Stone Street Square location due to accessibility and given that his business had been established in the area for almost a year.

All parties were provided with the opportunity to sum up their cases, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

Resolved

That, following careful consideration of the information contained in the report submitted and presented at the meeting, the application made by Mr M Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre be deferred to the next meeting of Licensing Sub-Committee 3 pending further investigation on the consent awarded to Stone Street Square, Dudley.

8. Questions Under Council Procedure Rule 11.8

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

The meeting ended at 1.30pm

CHAIR

**Minutes of the Licensing Sub-Committee 3
Tuesday, 5th September 2023 at 10.00 am
In Meeting Room 6, Saltwells Education Development Centre,
Bowling Green Road, Netherton**

Present:

Councillor M Evans (Chair)
Councillors A Goddard and S Mughal

Officers:

S Smith – Team Manager (Waste, Fleet and Licensing) (Directorate of Environment), T Holder – Solicitor and K Buckle – Democratic Services Officer (Directorate of Finance and Legal).

9. Apologies for Absence

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

10. Appointment of Substitute Member

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

11. Declarations of Interest

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

12. **Minutes**

Resolved

That the minutes of the meeting held on 4th July 2023, be approved as a correct record, and signed.

13. **Application to Vary a Premises Licence – Kingsbridge Bar, 83A – 85A Bridgnorth Road, Wollaston, Stourbridge.**

A report of the Interim Service Director of Environment was submitted on an application to vary a premises licence in respect of Kingsbridge Bar, 83A to 85A Bridgnorth Road, Wollaston, Stourbridge.

The following persons were in attendance at the meeting: -

Mr L Brown – Premises Licence Holder

Mr J Thomas – Premises Licence Holder

Mr N Cook (Local resident and customer of the Kingsbridge Bar)

Following introductions, the Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council, referring to the application to the request for the variation and the previous applications that were considered by the Sub-Committee and subsequently granted subject to conditions.

Members were referred to the objections that had been made to the application and that the objectors had been notified of the date for consideration of the application, however no notification had been received that they would be attending.

The applicants were invited to make representations and in doing so Mr N Cook, local resident, customer, and a small business owner referred to the Kingsbridge Bar being a small, friendly, safe and warm all-inclusive bar which provided coffee during mornings and quiet drinks during evenings. The drinks had been priced to avoid binge drinkers and anti-social behaviour and it was unfortunate that the outside area of the premises could not be open during summer evenings for customers.

The current application for the variation of the premises licence was to extend the opening time for the garden area until 9pm which would be on a seasonal basis as there was not external covering for the garden.

This area would remain smoke and music free.

It was understood that there had been three objections to the application from one family and a resident who had moved into a property within the area following the opening of the bar.

In conclusion, the business was struggling, and it was believed that it should be supported.

In response to a question from Councillor A Goddard, the premises licence owners advised that there was a separate outside smoking area at the premises in line with the conditions on the licence.

In response to a question from the Solicitor, it was stated that the capacity including the garden area was 200, however realistically there were usually no more than 20 customers occupying the garden area and the total capacity of the bar had never been reached.

The Chair invited those present to respond to the objections raised and the Mr J Thomas stated that local residents could contact both himself and Mr L Brown to raise any issues that would be directly dealt with and believed that 9pm would be a more realistic closing time for the garden area.

There was a robust management plan in place for the garden area, however he had stopped answering his phone to one resident due to abusive and threatening language and text messages.

Mr L Brown confirmed that he continued to converse with the local resident by mobile phone when issues arose.

In response to a question from the Chair, it was confirmed that both the planning and licensing objectives were and had been complied with and both of the premises licence owners remained in contact with the Council's Environmental Health Officers.

It was stated that only two complaints had been received in relation to the garden area which had resulted in miscommunication in relation to the current application to extend the opening time of the garden area which had been rectified with the bar manager.

Mr J Thomas referred to the signage outside requesting customers to respect neighbouring properties and keep noise levels low.

In response to a question from Councillor S Mughal in relation to the complaint pertaining to serving hot food, it was confirmed that food was heated through in a microwave only.

In response to a further question from Councillor S Mughal, Mr L Brown advised that the open mic nights were inside the business premises, the outside door remained closed and as such consisted of one gentleman playing music at the premises.

In response to a question from the Solicitor in relation to objections relating to the outside door remaining open, Mr L Brown advised that the door remained open between 4pm and 5pm but remained closed during the evening.

The premises licence owners confirmed that the complaint in relation to the garden area remaining open had occurred following a private family funeral and that complaint had been immediately addressed.

All parties were provided with the opportunity to sum up their cases, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented by all parties at the meeting, the application for variation of the premises licence in respect of the Kingsbridge Bar, 83A to 85A Bridgnorth Road, Wollaston, be approved.

14. Application for Renewal of Consent to Engage in Street Trading – Build A Burga Ltd

A report of the Interim Service Director of Environment was submitted in respect of an application made by Mr M Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre.

Mr M Ikhlas, applicant, was in attendance at the meeting.

Following introductions, the Assistant Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council, advising that an application had been received from Mr M Ikhlas on 20th March, 2023 to renew the consent from the 2nd August, 2023 in Stone Street Square, Dudley to sell Burgers, Fries and Canned Drinks, Monday to Sunday between the hours of 12 noon to 11pm. This matter had been considered previously by the Sub-Committee on 4th July 2023, when the application had been deferred pending further investigation on the consent awarded to Stone Street Square, Dudley, following the evidence submitted and comments made by Mr M Bieganski, the Strategy and Governance Section Manager on behalf of Corporate Landlord Services. It was understood that Stone Street Square was not a designated public highway and was owned and maintained by Dudley Council as a public space.

It was noted that although Mr M Bieganski was not in attendance at the meeting, he had submitted a briefing note to the Chair providing advice for the Sub-Committee to consider.

Mr Ikhlas indicated that he had not received the above briefing note and the meeting was adjourned in order for Mr Ikhlas to read the briefing note.

The meeting was re-convened and the Team Manager (Waste, Fleet and Licensing) read out the briefing note provided by Mr M Bieganski which stated as follows: -

Stone Street Square

Advice to the Chair of the Licencing Sub-Committee

Further to the licencing hearing in July 2023 I was asked to undertake a review of the history to Stone Street Square.

This historical information is best presented to the Sub-Committee through a series of documentary evidence.

Public Highway

The current extent of public highway maintained at public expense is shown in diagram A.

This clearly shows Stone Street is not presently deemed a public highway.

Historical Information

Council Acquisition

The council purchased this site under two separate transactions in 1886 and 1891.

The extent of purchase is shown in diagram B. As can be seen from this there is no part of the square which wasn't purchased which might have been deemed a highway. By way of comparison diagram C shows the acquisition record of a site nearby where there was former highway, and it can be seen clearly both the route of the roadways and therefore property which was not acquired.

Diagram D shows the situation on site in the 1880's per ordnance survey emphasising that this was not even the square as we see it today but rather there were buildings up to the front edge of Priory Street and Stone Street. Please note overlaid over the top of the mapping in blue is the current Ordnance survey outlines.

Ordnance survey and photographic evidence

Diagram E is taken from the Ordnance survey for the 1920's and we can see the square is developed as a market square and clearly marked as such.

Diagram F is taken from the 1960's and now the space is laid out as a car park, and we believe the shelter shown is for a bus shelter. Please see also diagram G which is a photograph of the area taken which we believe a decade later in the 1970s (going by the cars in the background) which shows the use of Stone Street Square as a car park and a bus stop.

By this time aerial photographic evidence has become available and diagrams H, I, J, K and L are aerial photographs showing the use of the square developing from car parking in the 1960's to the open space we see today.

The final element is diagram M the commemorative plaque for the funding used to create Stone Street Square as event space. Officers have advised there is a power source to this square for such events and careful examination of the brick paved area evidences the tie down arrangements for any marquee which may be erected in the square during such an event.

Conclusion

Stone Street Square was not purchased for public highway purposes and nor was it purchased with any highway crossing it. Its development has been for controlled public use whether car parking or the market square or as now its use as event space. The public highway extent is to the back of the pavement of both Priory Street and Stone Street and there is no evidence found which would suggest it has ever been used as a highway.

I can only conclude from here that it has been included in the list of trading streets under the control of the Licensing Sub-Committee in error. The objection to renewing the licence by myself, on behalf of the Council, still stands. There is a process to go through to remove Stone Street Square from this list which will be undertaken in due course.”

In response to a question from the Chair, Mr Ikhlas indicated that there had only been one event on Stone Street Square that had prevented him from trading during the previous year and he was prepared to work around any further events.

In response to a question from Councillor S Mughal, Mr Ikhlas stated that to utilise private land for his business in the future should his application not be successful.

The Solicitor confirmed that the Council could request that Stone Street Square be re-classified as none trading by way of None Trading Order, however the Sub-Committee had to consider the application before them on its own merits.

Mr Ikhlas confirmed that he did operate at other events and on the site of a public house once each week and a local gym, therefore there were other locations for Build A Burga Ltd Street Trading, however those locations were not permanent bases.

The Chair indicated that he fully supported venues and businesses within the Borough and asked whether Mr Ikhlas was prepared to work with the authority to find another possible area, to operate from.

The Team Manager (Licensing and Waste Enforcement) indicated that the authority held a list of consented streets and should Mr Ikhlas find another area to operate his business from, a further application would have to be submitted to the Sub-Committee. If a not consented area was required, work would have to be conducted with the Highways department.

Mr Ikhlas confirmed that he would consider both options set out above.

Mr Ikhlas was provided with the opportunity to sum up his case, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

Resolved

That, following careful consideration of the information contained in the report submitted and presented at the meeting, the application made by Mr M Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre be approved.

15 **Questions Under Council Procedure Rule 11.8**

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

The meeting ended at 11.35pm

CHAIR

**Minutes of the Planning Committee
Wednesday 26th July 2023 at 6.00 pm
At Saltwells Education Development Centre, Bowling
Green Road, Netherton**

Present:

Councillor D Harley (Chair)
Councillors H Bills, S Bothul, R Collins (for part of the meeting only), P Drake,
P Miller, C Sullivan, M Webb and K Westwood

Officers:

K Lowe (Principal Planning Officer), P Reed (Principal Planning Officer), J Todd
(Development Manager) (All Directorate of Regeneration and Enterprise) and K
Buckle (Democratic Services Officer) (Directorate of Finance and Legal
Services).

Observers:

Approximately 21 members of the public.

8. **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of
Councillors B Challenor, K Razzaq and E Taylor.

9. **Appointment of Substitute Members**

It was reported that Councillors C Sullivan, R Collins, and K Westwood
had been appointed to serve as substitute Members for Councillors B
Challenor, K Razzaq and E Taylor respectively, for this meeting of the
Committee only.

10. **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.

11. **Minutes**

Resolved

That the minutes of the meeting held on 31st May 2023, be approved as a correct record and signed.

12. **Plan and Application to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plans and application to develop. Details of the plans and application were displayed by electronic means at the meeting.

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

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Application who wished to speak</u>
P22/1853	Councillor B Challenor	D Summers – Elan Homes

Planning Application No. P22/1853 – Land located off The Straits, Lower Gornal – Erection of 14 No. New Dwellings with Associated Access, Parking and Landscaping following demolition of 129A The Straits to facilitate the creation of an Access Road

In considering the application, Members took into account the objections raised by a local Ward Councillor and residents in relation to the site not being suitable for development with many wild animals and mature oak trees, and was also subject to flooding. That brownfield sites should be promoted as the first policy for development. There were numerous brownfield sites that could be used to replace the use of the green open space.

Adding a new dangerous junction onto The Straits, with the development being detrimental to highway safety with visibility issues occurring from the new proposed access road and the development would infringe on the privacy of the residents on The Straits.

The Committee were also mindful of the supporting comments made on behalf of the developer in that the proposed development was policy compliant with the land being adapted for housing and the design would comply with all national and local planning conditions. All trees on the site were to be retained increasing the ecological value of the area. There was a proposed safe highways access onto The Straits Road and a suitable drainage scheme was proposed. The development would provide housing for local residents with housing stock for larger families.

Councillor M Webb and P Miller raised questions in relation to visibility from the proposed access road to the site, the history of the site and concerns in relation to possible flooding. Therefore, Members requested that a site visit be arranged for them to assess the issues, prior to a decision being made.

Resolved

That the application be deferred for a site visit.

13. **Adoption of the Residential Design Guide Supplementary Planning Document (SPD)**

A report of the Director of Regeneration and Enterprise was submitted on the adoption of the Residential Design Guide (SPD) by the Cabinet on the 28th June 2023.

Resolved

That the adoption of the Residential Design Guide (SPD) on the 28th June 2023 which replaced the New Housing SPD and Planning Guidance Notes 17 (House Extensions) and 12 (45 Degree Code), be noted.

14. **Recommendations for Article 4 Direction for Houses in Multiple Occupation (HMO's)**

A report of the Director of Regeneration and Enterprise was submitted on the Consultation, responses, and confirmation of Article 4 Direction in relation to small houses in multiple occupation.

Resolved

That the decision of the Cabinet, at its meeting on 28th June 2023 for the Director of Regeneration and Enterprise to be authorised to confirm an Article 4 Direction which would be applied to the Council's administrative area (borough wide) to remove Permitted Development Rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 uses) to come into force on 15th September 2023, be noted and endorsed.

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

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

The meeting ended at 6.40pm.

CHAIR

**Minutes of the Planning Committee
Wednesday 13th September 2023 at 6.00pm
In the Council Chamber, The Council House,
Dudley**

Present:

Councillor D Harley (Chair)
Councillors H Bills, P Drake, P Miller, E Taylor, C Sullivan and M Webb

Officers:

J Mead (Principal Planning Officer), P Reed (Principal Planning Officer), J Todd (Development Manager) - All of the Directorate of Regeneration and Enterprise, G Breakwell (Solicitor) and L Jury (Democratic Services Officer) - both of the Directorate of Finance and Legal Services.

Observers:

Approximately 32 members of the public.

16. **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors S Bothul, B Challenor, and K Razzaq.

17. **Appointment of Substitute Members**

It was reported that Councillor C Sullivan had been appointed to serve as a substitute Member for Councillor B Challenor for this meeting of the Committee only.

18. **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.

19. **Minutes**

Resolved

That the minutes of the meeting held on 26th July 2023, be approved as a correct record and signed.

20. **Site Visit**

Consideration was given to the following planning application in respect of which Members of the Committee had undertaken a site visit earlier that day.

Planning Application no. P22/1853 – Land located off The Straits, Lower Gornal – Erection of 14 No. New Dwellings with associated Access, Parking and Landscaping following demolition of 129A The Straits to facilitate the creation of an Access Road.

Resolved

That the application be refused for the reasons of:

Insufficient information has been submitted to demonstrate flood risk, including drainage, can be adequately addressed as such the application is contrary to Policy ENV5 of the Black Country Core Strategy (2011) and Policies S4 and S5 of the Dudley Borough Development Strategy (2017) and guidance contained within the National Planning Policy Framework (2023).

21. **Plans and Application to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plans and application to develop. Details of the plans and application were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also be circulated prior to the meeting updating Members on certain information given in the report submitted. The content of the notes was taken into account in respect of the application.

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

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Application who wished to speak</u>
P23/0900	Councillor K Denning Mr S Khukhar	Mr L Shonhiwa – Malm Consulting

Planning Application No. P23/0900 – Tracey Wilder House, 57, The Broadway, Dudley, DY1 4AP – Change of Use from Offices (E) to Children’s Care Home (C2).

In considering the application, Members took into account the objections raised by a local Ward Councillor and a local resident, in relation to a number of incidents of anti-social behaviour that had occurred at the site since the application had been submitted. It was noted that whilst Ward Councillors would normally encourage the development of children’s care homes, it was felt that they were unable to support this application due to the proven track record of the management of the existing care home. Specific reference was made to the number of calls that had been made to the Police recently to attend the property and the objection that had been submitted by West Midlands Police to the application in relation to the level of anti-social behaviour and concern with regard to public safety that could result from the proposed use of the dwelling. It was noted that the applicant had also made no provision for waste management which was already having an impact on local residents.

The Committee were also mindful of the supporting comments made by the agent who clarified the position with regard to police visits to the property. It was reported that the current application sought approval for an Ofsted registered Children's home which would operate differently to the existing service, which was currently being provided, in so far as, the service would provide supported living to young people aged 7 to 16 years and impact assessments would be undertaken on the young people to ascertain their behaviour before a referral was accepted. It was also advised that Closed-Circuit Television was to be installed to monitor activity outside the property to address the concerns raised by the Ward Councillor and local residents.

In responding to questions raised by the Committee, the Principal Planning Officer clarified that the dwelling was being run within the category C3 which allowed up to six people living in a property and confirmed that the young people were receiving an element of supported care, and that this fell within the same category as a family dwelling home. It was advised that an application had been approved in November 2022 to revert the office accommodation back to a C3 dwelling which was now being implemented. It was advised that a condition had been placed on the application that stated that no more than two children would be in residence at one time.

Resolved

That the application be refused for reasons of:

The proposed change of use to Childrens Care Home raises substantial concerns in terms of the potential for increased crime, and fear of crime, amongst local residents which would adversely impact on the overall amenity quality of the surrounding area. The proposed development is therefore contrary to Paragraph 92 of the National Planning Policy Framework (2023), Policy ENV3 of the Black Country Joint Core Strategy (2011) and Policy L2 of the Dudley Borough Development Strategy (2017).

22. Questions Under Council Procedure Rule 11.8

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

The meeting ended at 6.45pm.

CHAIR

**Minutes of the meeting of the Taxis Committee
Monday 3rd July, 2023 at 6.00 pm
At Saltwells Education Development Centre,
Bowling Green Road, Netherton, Dudley**

Present:

Councillor A Hopwood (Chair)
Councillor B Challenor (Vice-Chair)
Councillors M Aston, K Denning, S Keasey, J Martin, C Sullivan and A Taylor.

Officers:

N Slym (Assistant Team Manager), S Smith (Team Manager) (Licensing and Waste Enforcement), M Jackson (Barrister, No.8 Chambers) and G Gray (Democratic Services Officer)

13 Apologies for Absence

Apologies for absence were received on behalf of Councillors D Harley, W Little and W Sullivan.

14 Appointment of Substitute Members

It was reported that Councillors C Sullivan and S Keasey had been appointed to serve as substitute Members for Councillors D Harley and W Little, respectively, for this meeting of the Committee only.

15 **Declarations of interest**

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

16 **Minutes**

Resolved

That the minutes of the meeting held on 1st June, 2023, be approved as a correct record and signed.

17 **Questions Under Council Procedure Rule 11.8**

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

18 **Exclusion of the Public and Press**

Resolved

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

19 **Application for Grant of Private Hire and Hackney Carriage Driver's Licence – Mr AK**

A report of the Interim Service Director of Environment was submitted to consider the application for grant of a Private Hire and Hackney Carriage Driver's Licence to Mr AK

Mr AK was in attendance at the meeting together with his relative, Mrs KB. Mr AK explained the circumstances surrounding his previous convictions as outlined in paragraph 5 of the report submitted and responded to questions raised by Members.

Further to a question raised by a Member, Mr AK advised that he had been employed temporarily as a Security Guard at an establishment which was owned by Councillor S Keasey.

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

The Committee's Barrister provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

At this juncture Councillor Keasey also withdrew from the meeting.

Resolved

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

20 Application for Grant of a Private Hire Driver's Licence – Mr MA

A report of the Interim Service Director of Environment was submitted to consider the application for grant of a Private Hire Driver's Licence to Mr MA

Mr MA was in attendance at the meeting, together with his representative Mr AA.

Mr AA made detailed representations on behalf of Mr MA in support of his application and responded to questions raised by Members in relation to the endorsements on Mr MA's Driver and Vehicle Licensing Agency (DVLA) mandate, as outlined in paragraph 4 of the report submitted.

Mr AA provided additional information at the meeting in support of the mitigating circumstances surrounding Mr MA's endorsements.

At this juncture, the Committee adjourned to allow Members to discuss and view the additional information that had been supplied by Mr AA.

The Committee reconvened after a short discussion and taking into consideration concerns raised by Members at the meeting regarding the additional information it was:-

Resolved

That the application for the grant of a Private Hire Driver's Licence to Mr MA be deferred to a future meeting, subject to Officers verifying the additional documentation submitted at the meeting.

21 Application for Grant of a Private Hire Driver's Licence – Mr MH

A report of the Interim Service Director of Environment was submitted to consider the application for grant of a Private Hire Driver's Licence to Mr MH.

Mr MH was in attendance at the meeting and explained the circumstances surrounding the results of his knowledge tests as outlined in paragraph 4 of the report submitted and responded to questions asked by the Committee.

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

All parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that Mr MH was not a fit and proper person considering the number of attempts taken for the knowledge test and that not enough progress had been made, therefore, Mr MH would not be allowed to attempt a further test.

22 Change in Order of Business

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

Resolved

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

23 **Application for Grant of a Private Hire Driver's Licence – Mr TM**

A report of the Interim Service Director of Environment was submitted to consider the application for grant of a Private Hire Driver's Licence to Mr TM.

Mr TM was in attendance at the meeting and explained the circumstances in relation to his previous convictions as outlined in paragraph 3 of the report submitted and responded to questions raised by Members.

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

The Committee's Barrister provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

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

24 **Application for Grant of a Private Hire Driver's Licence – Mr SH**

A report of the Interim Service Director of Environment was submitted to consider the application for grant of a Private Hire driver's licence to Mr SH.

Mr SH was not in attendance at the meeting. The Assistant Team Manager (Licensing and Waste Enforcement) informed the Committee that following a telephone conversation with Mr SH, he had advised that he had not been informed of the meeting and was out of the Country and therefore unable to attend the hearing. However, the Assistant Team Manager (Licensing and Waste Enforcement) advised the Committee that Mr SH had been provided with sufficient notice and adequate time to attend the meeting.

Following further discussion it was

Resolved

That this item of business be deferred to a future meeting.

25 Application for Grant of a Private Hire Driver's Licence – Mr GPJ

A report of the Interim Service Director of Environment was submitted to consider the application for grant of a Private Hire driver's licence to Mr GPJ.

Mr GPJ was in attendance at the meeting and explained the circumstances surrounding the previous convictions as outlined in paragraph 3 of the report submitted.

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

The Committee's Barrister provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

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

The meeting ended at 7.46pm

CHAIR

**Minutes of the meeting of the Taxis Committee
Monday 7th August, 2023 at 6.00 pm
At Saltwells Education Development Centre,
Bowling Green Road, Netherton, Dudley**

Present:

Councillor A Hopwood (Chair)
Councillor B Challenor (Vice-Chair)
Councillors M Aston, K Denning, D Harley, W Little, J Martin, and A Taylor.

Officers:

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

26 Apologies for Absence

No apologies for absence were received for this meeting of the Committee.

27 Appointment of Substitute Members

No appointment of substitute Members were appointed for this meeting of the Committee.

28 Declaration of interest

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

29 **Minutes**

Resolved

That the minutes of the meeting held on 3rd July 2023, be approved as a correct record and signed.

30 **Questions Under Council Procedure Rule 11.8**

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

31 **Exclusion of the Public and Press**

Resolved

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

32 **Application for Grant of Exemptions on a Private Hire Vehicle Licence – Mr IM**

A report of the Acting Service Director – Neighbourhood Delivery was submitted to consider the application for grant of Exemptions on a Private Hire Vehicle Licence to Mr IM

Mr IM was in attendance at the meeting together Ms SB, a Director of the Private Hire Company concerned.

Mr IM confirmed that he agreed with the summary of the case as outlined by the Assistant Team Manager and Mr IM and Ms SB responded to questions raised by Members.

Ms SB confirmed that it would not be detrimental or have a negative impact on the business should the exemption not be granted but requested that the application be considered further, as the exemption was required.

Ms SB confirmed that she was aware that the private hire identity plate would need to be displayed inside the vehicle, should the application be approved.

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

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the relevant legislation and the Department for Transport Best Practice for Licensing Authority Consultation 2022, the application of Mr IM for the grant of exemptions on the private hire vehicle licence be refused, as there were no exceptional circumstances or sufficient justification to grant the application.

33 Application for Grant of Exemptions on a Private Hire Vehicle Licence – Mr RH

A report of the Acting Service Director – Neighbourhood Delivery was submitted to consider the application for grant of Exemptions on a Private Hire Vehicle Licence to Mr RH

Mr RH was in attendance at the meeting and responded to Members' questions stating that the vehicle in question was a high-end executive chauffeur driven vehicle, and there was no signage on the vehicle.

In relation to the impact on the business should the application be refused Mr RH stated that as part of the executive business that involved transporting passengers who did not wish it to be known that a vehicle was being operating on behalf of the Local Authority. It was a question of discretion and anonymity for the cliental that he was attempting to attract and should the application not be granted there would be a detrimental impact upon the business.

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

Resolved

That the application for the grant of exemptions on a Private Hire Driver's Licence to Mr RH be approved, as having regard to the relevant legislation and the Department for Transport 2022 Best Practice for Licensing Authority Consultation 2022 there were exceptional circumstances for justification to exempt the vehicle.

34 **Application for Grant of a Private Hire Driver's Licence – Mr AJ**

A report of the Acting Service Director – Neighbourhood Delivery was submitted to consider the application for grant of a Private Hire Driver's Licence to Mr AJ.

Mr AJ was in attendance at the meeting together with his Solicitor Mr AS, who made detailed representations on behalf of his client in relation to the information contained in the report submitted.

An enhanced Disclosure and Barring Service certificate was circulated to Members at the meeting together with references provided on behalf of Mr AJ.

Mr AJ and his Solicitor also responded to Members questions.

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

Resolved

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

35 **Application for Grant of a Private Hire Driver's Licence – Mr SUF**

A report of the Acting Service Director – Neighbourhood Delivery was submitted to consider the application for grant of a Private Hire Driver's Licence to Mr SUF.

Mr SUF was not in attendance at the meeting. The Assistant Team Manager informed the Committee that he had received written confirmation that Mr SUF was currently out of the Country and had requested an adjournment of the application.

Following further discussion, it was: -

Resolved

That this item of business be deferred to a future meeting.

36 **Application for Grant of a Private Hire Driver's Licence – Mr ZD**

A report of the Acting Service Director – Neighbourhood Delivery was submitted to consider the application for grant of a Private Hire driver's licence to Mr ZD.

Mr ZD was in attendance at the meeting and responded to Members questions in relation to the circumstances surrounding the offences committed contained in paragraph 6 to the report submitted.

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

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

At this juncture, the Committee reconvened and after a short discussion, all parties returned to the meeting, at which clarification was sought from the Assistant Team Manager in relation to the Totting up procedure referred to at paragraph 4 of the report submitted.

All parties then withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee guidelines and Statutory Standards, the Committee determined that Mr ZD was not a fit and proper person to hold a licence considering the number of strong written warnings as to future conduct that Mr ZD had received.

Mr ZD was advised of his right to appeal the decision.

The meeting ended at 7.45pm

CHAIR

**Minutes of the Meeting of the Taxis Committee
Monday 4th September, 2023 at 6.00 pm
in Committee Room 3 at the Council House, Dudley**

Present:

Councillor A Hopwood (Chair)
Councillor B Challenor (Vice-Chair)
Councillors M Aston, K Denning, D Harley, P Lee, J Martin and C Sullivan.

Officers:

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

37 Apologies for Absence

Apologies for absence were received on behalf of Councillors W Little and A Taylor.

38 Appointment of Substitute Members

It was reported that Councillors P Lee and C Sullivan had been appointed to serve as substitute Members for Councillors W Little and A Taylor, respectively, for this meeting of the Committee only.

39 Declarations of interest

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

40 **Minutes**

Resolved

That the minutes of the meeting held on 7th August, 2023, be approved as a correct record and signed.

41 **Questions Under Council Procedure Rule 11.8**

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

42 **Exclusion of the Public and Press**

Resolved

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

43 **Review of a Private Hire Driver's Licence – Mr ZM**

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

Mr ZM was in attendance at the meeting.

Mr ZM explained the circumstances surrounding the endorsements on his Driver and Vehicle Licensing Agency (DVLA) mandate, as outlined in paragraph 4 of the report submitted and responded to questions asked by the Committee.

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

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

Resolved

That following careful consideration of the information contained in the report submitted, the detailed evidence and circumstances outlined by Mr ZM at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided they were satisfied that Mr ZM was a fit and proper person to hold a licence.

44 Change in Order of Business

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

Resolved

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

45 Application for Grant of a Private Hire Driver's Licence – Mr MA

A report of the Interim Service Director of Environment Directorate was submitted to consider the application for the grant of a private hire driver's licence to Mr MA. The Assistant Team Manager - Licensing and Waste Enforcement presented the report and in doing so advised that the application had originally been submitted to the meeting held on 3rd July, 2023, however the Committee resolved for the matter to be deferred in order for Officers to verify the additional documentation submitted. It was clarified that the documentation had been verified and was considered accurate.

Mr MA was in attendance at the meeting together with a representative.

Mr MA's representative made detailed representations on behalf of Mr MA in support of his application and responded to questions raised by Members in relation to the endorsements on Mr MA's Driver and Vehicle Licensing Agency (DVLA) mandate, as outlined in paragraph 4 of the report submitted.

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

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

Resolved

That following careful consideration of the information contained in the report submitted, the evidence and circumstances outlined at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided at the meeting they were satisfied that Mr MA was a fit and proper person to hold a licence, therefore, a private hire driver's licence to Mr MA be granted.

46 Application for Grant of a Private Hire Driver's Licence – Mr SUF

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

Mr SUF was in attendance at the meeting, together with his representative.

Both Mr SUF, together with his representative, explained the circumstances in relation to a road traffic incident whilst licenced with Wolverhampton City Council as outlined in paragraphs 4 to 6 and Appendix 1 of the report submitted and responded to questions asked by the Committee.

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

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

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee did not consider Mr SUF to be a fit and proper person in view of the circumstances surrounding the road traffic incident and the fact that no satisfactory explanation could be provided for this, therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, the application for the grant of a private hire driver's licence to Mr SUF, be refused.

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

47 **Application for Grant of a Private Hire Driver's Licence – Mr AK**

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

Mr AK was in attendance at the meeting and explained the circumstances surrounding the results of his knowledge tests as outlined in paragraph 4 of the report submitted and responded to questions asked by the Committee.

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

All parties withdrew from the meeting to enable the Committee to determine the application.

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

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that Mr AK was not a fit and proper person in view of the number of failed attempts to complete the knowledge test; that not enough time had passed between the attempts, and that not enough understanding, improvement or progress had been made. Therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, Mr AK would not be granted permission to undertake a further test and the application for the grant of a private hire driver's licence be refused.

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

48 **Application for Grant of a Private Hire Driver's Licence – Mr BI**

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

Mr BI was in attendance at the meeting and explained the circumstances in relation to the revocation of his licence whilst licenced with Wolverhampton City Council, as outlined in paragraph 3 and Appendix 1 of the report submitted and responded to questions asked by the Committee.

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

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

Resolved

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

49 Application for Grant of a Private Hire Driver's Licence – Mr HS

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

Mr HS was in attendance at the meeting together with his representative Mr MN.

Mr MN made representations in support of Mr HS's application and responded to questions asked by the Committee regarding the results of Mr HS knowledge tests as outlined in paragraph 5 of the report submitted.

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

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

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided, they were satisfied that Mr HS had made sufficient progress from previous knowledge tests, therefore, the request for a further test, be granted.

50 **Application for Grant of a Private Hire Driver's Licence – Mr MFK**

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

The Team Manager (Licensing and Waste Enforcement) informed the Committee that Mr MFK had submitted a request for the application to be deferred in order for him to arrange legal representation.

Resolved

That consideration of the application for the grant of a private hire driver's licence to Mr MFK be deferred to a future meeting, in order for Mr MFK to arrange legal representation.

51 **Application for Grant of a Private Hire Driver's Licence – Mr SM**

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

Mr SM was in attendance at the meeting together with his representative Mr MN.

Mr MN made representations in support of Mr SM's application, and both responded to questions raised by Members in relation to the conviction outlined in paragraph 4 of the report submitted.

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

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

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee were satisfied, that Mr SM was a fit and proper person to hold a licence given the explanation provided and the sufficient passage of time since the relevant conviction, therefore, the private hire driver's licence to Mr SM be granted.

52 Application for Grant of a Private Hire Driver's Licence – Mr SH

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

Mr SH was not in attendance at the meeting. The Assistant Team Manager (Licensing and Waste Enforcement) informed the Committee that Mr SH had been provided with sufficient notice and that he had made several attempts to contact Mr SH by telephone.

The Assistant Team Manager further advised that the application for the grant of a private hire driver's licence to Mr SH had been deferred from the meeting held on 1st June, 2023, at his request. The Committee therefore determined that consideration of the application should continue in Mr SH's absence.

The Assistant Team Manager (Licensing and Waste Enforcement) presented the report in detail, in particular referring to Mr SH's conviction as outlined in paragraph 4 of the report submitted.

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

Resolved

That following careful consideration of the information contained in the report submitted, having no evidence to consider from Mr SH and having regard to the Committee's Guidelines and Statutory Guidance, the Committee, in accordance with Section 51 of the Local Government (Miscellaneous) Act 1976, did not consider Mr SH to be a fit and proper person, and therefore the application for the grant of a private hire driver's licence to Mr SH, be refused.

Mr SH would be advised of his right to appeal the decision of the Committee.

The meeting ended 8.40pm

CHAIR

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

Yes No

☐ ☒

Decision Made By Councillor Phil Atkins

Authorised By Councillor Phil Atkins, Cabinet Member for Corporate Strategy
Councillor Laura Taylor-Childs, Cabinet Member for Housing and Safer

In Consultation With Luisa Fulci, Director of Digital, Customer and Commercial Services
Luisa Fulci, Director of Digital, Customer and Commercial Services

Ward(s) Affected All

Date of Decision 08 August 2023 **Reference** DCCS/01/2023

Amendment to Corporate Complaints Policy

1.1 - To agree changes to the Complaints Policy requested by the Housing Ombudsman. The changes ensure our policy complies with their complaint handling code.

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

Yes No

☐ ☒

Decision Made By Councillor Phil Atkins

Authorised By Councillor Phil Atkins, Cabinet Member for Corporate Strategy

In Consultation With Helen Martin, Director of Regeneration and Enterprise

Ward(s) Affected All

Date of Decision 17 August 2023 **Reference** DRE/14/2023

Fees and charges at The Dell Stadium

1.1 To implement pricing changes from 7th September 2023 for The Dell Stadium pitch hire.

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

Yes No

☒ ☐

Decision Made By Councillor Paul Bradley

Authorised By Councillor Paul Bradley, Deputy Leader (Communities and Economic Delivery)

In Consultation With Helen Martin, Director of Regeneration and Enterprise

Ward(s) Affected St James's

Date of Decision 12 July 2023 **Reference** DRE/10/2023

Disposal of The Glasshouse Restaurant, 23 Priory Street, Dudley

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

Yes No

☐ ☒**Decision Made By** Councillor Paul Bradley**Authorised By** Councillor Paul Bradley, Deputy Leader (Communities and Economic Delivery)**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** All**Date of Decision** 14 July 2023**Reference** DRE/11/2023**Himley Hall Afternoon Tea**

1.1 To increase the price of The Indulgent Afternoon Tea (IAT) from £26 per person to £28.50 per person and £28 to £30.50 for Christmas Afternoon Tea to cover the price of administration using an online booking service. The cost increase will cover all forms of booking either through the telephone or in person at the hall.

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

Yes No

☐ ☒**Decision Made By** Councillor Paul Bradley**Authorised By** Councillor Paul Bradley, Deputy Leader (Communities and Economic Delivery)**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** All**Date of Decision** 14 August 2023**Reference** DRE/13/2023**Swimming Pool Support Fund**

1.1 To agree to apply for funding from the government's Swimming Pool Support Fund to assist with the rising energy costs associated with operating the borough's swimming pools.

1.2 If successful, to accept the funding offered.

1.3 The application process will be led by the Director for Regeneration and Enterprise and the Head of Service responsible for the borough's Leisure Centres.

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

Yes No

☐ ☒**Decision Made By** Councillor Paul Bradley**Authorised By** Councillor Paul Bradley, Deputy Leader (Communities and Economic Delivery)**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** Cradley and Wollescote**Date of Decision** 05 September 2023**Reference** DRE/16/2023**Approval to demolish 122-128 Colley Gate**

1.1 Approval for the Director of Regeneration & Enterprise to authorise the Council to survey, demolish, clear and prepare site for the redevelopment, of vacant properties 122-128 Colley Gate.

7.**Delegated Decision Summary****Exempt**

Yes No

X	
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Decision Made By Councillor Paul Bradley**Authorised By** Councillor Paul Bradley, Deputy Leader (Communities and Economic Delivery)**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** Castle & Priory

St James's

St Thomas's

Date of Decision 12 September 2023**Reference** DRE/18/2023

Approval of Heads of Terms agreed with Avenbury (Dudley) Limited for the purposes of documenting a legally binding Collaboration Agreement to select and appoint

8.**Delegated Decision Summary****Exempt**

Yes No

	X
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Decision Made By Councillor Ruth Buttery**Authorised By** Councillor Ruth Buttery, Children's Services and Education**In Consultation With** Catherine Driscoll, Director of Children's Services**Ward(s) Affected** All**Date of Decision** 29 June 2023**Reference** DCS/11/2023

Adoption of 2023 Locally Agreed Syllabus for Religious Education

That the Cabinet Member for Children's Services and Education, in accordance with Schedule 31 of the Education Act 1996, approves the adoption by Dudley Metropolitan Borough Council (the LA) of the agreed syllabus for the teaching of Religious Education as prepared by the Dudley Standing Advisory Committee on Religious Education (SACRE) and recommended for adoption by and subsequent to the Agreed Syllabus Conference held on 20th April 2023.

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

Yes No

	X
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Decision Made By Councillor Ruth Buttery**Authorised By** Councillor Ruth Buttery, Children's Services and Education**In Consultation With** Catherine Driscoll, Director of Children's Services**Ward(s) Affected** Coseley East**Date of Decision** 12 July 2023**Reference** DCS/12/2023**Coseley School**

Approve the transfer of the currently vacant site of the former Coseley High School to Shireland Collegiate Academy Trust and their preferred contractors with immediate effect for the development of a new primary school.

Approve the Council entering into an Agreement for Lease with the Department for Education (DfE) to facilitate redevelopment and subsequently a 125 Year peppercorn lease for the part of the site owned by the Council with Shireland Collegiate Academy Trust in the standard form as directed by the DfE

Approve the making of any other agreements to facilitate the transfer and any application for consent to the disposal of playing field pursuant to Section 77 of the School Standards Framework Act 1998.

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

Yes No

X	
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Decision Made By Councillor Ruth Buttery**Authorised By** Councillor Ruth Buttery, Children's Services and Education**In Consultation With** Catherine Driscoll, Director of Children's Services**Ward(s) Affected** All**Date of Decision** 14 September 2023**Reference** DCS/15/2023**Restructure of the Childrens Services Directorate (Phase Two)**

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

Yes No

	X
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Decision Made By Councillor Steve Clark**Authorised By** Councillor Steve Clark, Cabinet Member for Finance, Legal and Human**In Consultation With** Iain Newman, Director of Finance and Legal (Section 151 Officer)**Ward(s) Affected** All**Date of Decision** 26 June 2023**Reference** DFL/08/2023**A waiver decision for the additional works associated to the replacement of the Council Chamber System and Committee Room 1&2 AV Solutions and Webcasting.**

Following the contract award to VP-AV Ltd on 25th May 2023 for the replacement of the AV equipment in the council chamber and committee room 2 at a cost of £251k, we ask permission for a waiver up to £70k to complete additional works.

12.

Delegated Decision Summary

Exempt

Yes No

X	
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Decision Made By Councillor Steve Clark

Authorised By Councillor Steve Clark, Cabinet Member for Finance, Legal and Human

In Consultation With Balvinder Heran, Deputy Chief Executive

Ward(s) Affected All

Date of Decision 07 July 2023

Reference DPR/06/2023

RESTRUCTURE OF ENVIRONMENT DIRECTORATE - PHASE 2 - FLEET OPERATIONS
DIVISION

13.

Delegated Decision Summary

Exempt

Yes No

X	
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Decision Made By Councillor Steve Clark

Authorised By Councillor Steve Clark, Cabinet Member for Finance, Legal and Human

Councillor Ruth Buttery, Children's Services and Education

In Consultation With Jacqueline Branch, Assistant Director People and Inclusion

Catherine Driscoll, Director of Children's Services

Ward(s) Affected None

Date of Decision 13 July 2023

Reference DCS/13/2023

To seek approval for the flexible retirement

14.

Delegated Decision Summary

Exempt

Yes No

X	
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Decision Made By Councillor Steve Clark

Authorised By Councillor Steve Clark, Cabinet Member for Finance, Legal and Human

In Consultation With Balvinder Heran, Deputy Chief Executive

Ward(s) Affected All

Date of Decision 17 July 2023

Reference DPR/07/2023

RESTRUCTURE OF ENVIRONMENT DIRECTORATE - PHASE 2 - ENERGY, SUSTAINABILITY &
CLIMATE CHANGE

15.**Delegated Decision Summary****Exempt**

Yes No

X	
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Decision Made By Councillor Steve Clark**Authorised By** Councillor Steve Clark, Cabinet Member for Finance, Legal and Human**In Consultation With** Balvinder Heran, Deputy Chief Executive**Ward(s) Affected** All**Date of Decision** 17 July 2023**Reference** DPR/08/2023**RESTRUCTURE OF ENVIRONMENT DIRECTORATE - PHASE 2 - TRANSPORT & HIGHWAYS**

16.**Delegated Decision Summary****Exempt**

Yes No

X	
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Decision Made By Councillor Steve Clark**Authorised By** Councillor Steve Clark, Cabinet Member for Finance, Legal and Human**In Consultation With** Balvinder Heran, Deputy Chief Executive**Ward(s) Affected** All**Date of Decision** 17 July 2023**Reference** DPR/09/2023**RESTRUCTURE OF ENVIRONMENT DIRECTORATE - PHASE 2 - NEIGHBOURHOOD SERVICES**

17.**Delegated Decision Summary****Exempt**

Yes No

X	
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Decision Made By Councillor Steve Clark**Authorised By** Councillor Steve Clark, Cabinet Member for Finance, Legal and Human**In Consultation With** Iain Newman, Director of Finance and Legal (Section 151 Officer)**Ward(s) Affected** All**Date of Decision** 31 July 2023**Reference** DFL/04/2023**Loan to Dudley & Kent Commercial Services Ltd Joint Venture Company**

18.

Delegated Decision Summary

Exempt

Yes No

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Decision Made By Councillor P Harley**Authorised By** Councillor P Harley, Leader of the Council**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** Kingswinford South**Date of Decision** 28 June 2023**Reference** DRE/09/2023Disposal of the former Kingswinford Youth Centre, High Street, Kingswinford

19.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Decision Made By Councillor P Harley**Authorised By** Councillor P Harley, Leader of the Council

Councillor Paul Bradley, Deputy Leader (Communities and Economic Delivery)

In Consultation With Balvinder Heran, Deputy Chief Executive

Helen Martin, Director of Regeneration and Enterprise

Ward(s) Affected Castle & Priory

St Thomas's

St James's

Date of Decision 18 July 2023**Reference** DRE/12/2023Delivery of a Higher Education Building on Castle Hill funded by Towns Fund Grant

1.1 The Deputy Chief Executive and the Director of Regeneration have been updated on the finalisation of the Statement or Reasons and the Compulsory Purchase Order ("CPO") and the accompanying CPO map ("CPO Map") for land at Castle Hill, Dudley.

1.2 The Deputy Chief Executive and the Director of Regeneration have considered the matter with the Cabinet Member for Regeneration and now make the following decision:-

- To approve in the form attached to this Decision Sheet:
 - o The CPO
 - o The Order Map
 - o The Statement of Reasons
- To make the CPO including compliance with all requisite publication and notification procedures

20.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Decision Made By Councillor P Harley

Authorised By Councillor P Harley, Leader of the Council

In Consultation With Catherine Driscoll, Director of Children's Services

Ward(s) Affected All

Date of Decision 26 July 2023

Reference DCS/14/2023

Family Solutions - Integrated Early Year's Service- Progress with Early Years Inclusion Hubs following Statutory Consultation (5 to 30 June 2023)

To approve:

- (a) The proposal for a township based Early Years Inclusion Hub Model; one per township – total of five; and
- (b) A modification to the timeline for the implementation of the proposal from the start of the Autumn Term 2023 to immediately following the Autumn Half Term Holiday 2023.

21.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Decision Made By Councillor P Harley

Authorised By Councillor P Harley, Leader of the Council

In Consultation With Helen Martin, Director of Regeneration and Enterprise

Ward(s) Affected All

Date of Decision 23 August 2023

Reference DRE/15/2023**Adult Education WMCA £802K**

1.1 To accept funding from West Midlands Combined Authority (WMCA) to a maximum of £802,000 from Commonwealth Games Legacy Enhancement Fund.

22.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Decision Made By Councillor P Harley

Authorised By Councillor P Harley, Leader of the Council

In Consultation With Iain Newman, Director of Finance and Legal (Section 151 Officer)

Ward(s) Affected All

Date of Decision 30 August 2023

Reference DFL/09/2023

The Design, Installation and service of the Fire Suppression System (FSS) to the Energy from Waste plant

To approve an increase of £70,000 in the capital budget for fire suppression works.

23.**Delegated Decision Summary****Exempt**

Yes No

	X
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Decision Made By Councillor P Harley**Authorised By** Councillor P Harley, Leader of the Council**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** All**Date of Decision** 11 September 2023**Reference** DRE/17/2023**Approval to create a deed of variation to accept the annual Grant from WMCA from the agreement accepted in 2022. (for 12 month first extension) then to run in p**

1.1 Initially The Parties wish to extend this Agreement in accordance with clause 2.2 in the Deed of extension and variation for a period of 12 months (First Extension).

1.2 As a result of extending the Agreement, variations will be required to the original Agreement to facilitate changes in relation to the WMCA Funding allocated for 2023/2024.

1.3 The Funding Agreement shall continue in full force and effect as varied by this Deed and the terms of the Agreement shall have effect as though the provisions contained in this Deed had been originally contained in the Agreement from the beginning. These will continue in perpetuity until the grant from WMCA changes in any way.

24.**Delegated Decision Summary****Exempt**

Yes No

X	
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Decision Made By Councillor M Rogers**Authorised By** Councillor M Rogers, Cabinet Member for Adult Social Care**In Consultation With** Matt Bowsher, Director of Adult Social Care**Ward(s) Affected** All**Date of Decision** 15 September 2023**Reference** DAS/06/2023**Approval to extend Supported Living contracts for a 6 months**