

COMMITTEE AND SUB- COMMITTEE MINUTES

**NOVEMBER 2012 TO
FEBRUARY 2013**

**AND
DELEGATED DECISION
SUMMARIES**

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

LIST OF MEETINGS

<u>Committee</u>	<u>Dates</u>	<u>From</u>	<u>Pages</u> <u>To</u>
<u>SCRUTINY COMMITTEES</u>			
Health and Adult Social Care Scrutiny Committee	12/11/2012	HASCSC/12	HASCSC/17
Children's Services Scrutiny Committee	14/11/2012	CSSC/17	CSSC/25
Regeneration, Culture and Adult Education Scrutiny Committee	15/01/2013	RCAESC/16	RCAESC/20
Community Safety and Community Services Scrutiny Committee	17/01/2013	CSCSSC/19	CSCSSC/23
<u>REGULATORY COMMITTEES</u>			
<u>Appeals Panel</u>			
Appeals Panel(Children's Services Transport)	05/12/2012	APCST/1	APCST/3
<u>Development Control</u>			
Development Control Committee	19/11/2012	DC/48	DC/52
Development Control Committee	10/12/2012	DC/53	DC/55
Development Control Committee	07/01/2013	DC/56	DC/65
Development Control Committee	28/01/2013	DC/66	DC/70

Licensing and Safety

Special Licensing and Safety Committee	19/12/2012	LSC/8	LSC/10
Licensing Sub-Committee 1	20/11/2012	LSBC1/32	LSBC1/38
Licensing Sub-Committee 1	04/12/2012	LSBC1/39	LSBC1/53
Licensing Sub-Committee 1	05/02/2013	TO FOLLOW	
Licensing Sub-Committee 2	27/11/2012	LSBC2/12	LSBC2/16
Licensing Sub-Committee 3	15/01/2013	LSBC3/26	LSBC3/28
Licensing Sub-Committee 4	22/01/2013	LSBC4/32	LSBC4/37

Taxis

Taxis Committee	13/11/2012	T/38	T/44
Taxis Committee	12/12/2012	T/45	T/51
Taxis Committee	10/01/2013	T/52	T/55
Taxis Committee	07/02/2013	TO FOLLOW	

SHADOW DUDLEY HEALTH AND WELLBEING BOARD

Shadow Dudley Health and Wellbeing Board	21/01/2013	SDHWBB/14	SDHWBB/20
--	------------	-----------	-----------

CABINET

Special Meeting of the Cabinet	13/11/2012	C/25	C/30
Meeting of the Cabinet	06/12/2012	C/31	C/35

HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE

Monday, 12th November, 2012 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Mrs Ridney (Chair)
Councillor K Finch (Vice-Chair)
Councillors Cowell, Elcock, Harris, Hemingsley, Kettle, Roberts, Mrs Rogers,
Vickers and C Wilson

Officers

Assistant Director of Law and Governance (Lead Officer to the Committee), Director of Corporate Resources, Assistant Director Adult Social Care, Treasurer and the Scrutiny Officer (Directorate of Adult, Community and Housing Services) and Mrs M Johal (Directorate of Corporate Resources)

Also in Attendance

Dr David Hegarty – Chair, Dudley Clinical Commissioning Group
Ms Nighat Hussain – Commissioning Manager, Dudley Clinical Commissioning Group
Ms Laura Broster – Head of Communication, Dudley Clinical Commissioning Group
Ms Alison Tennant – Head of Quality, Dudley Clinical Commissioning Group
Mr Mark Walsh – Director, Black Country Cardiovascular/Stroke Network
Dr Ken Fotherby – Lead Clinician for Stroke Services
Dr Ash Banerjee – Lead Clinician for Stroke Services
Ms Tessa Norris – Director, Dudley Group of Hospitals
Mr Richard Beeken – Director of Operations and Transformation
Ms Sally-Anne Osborne, Deputy Director, Dudley Group of Hospitals
Ms Anne Gregory – Stroke Co-ordinator – Dudley Group of Hospitals

23 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 26th September 2012 be approved as a correct record and signed.

24 PUBLIC FORUM

No issues were raised under this agenda item.

A joint report of the Chief Executive, Treasurer and Director of Adult, Community and Housing Services was submitted on the Revenue Budget Strategy for 2013/14 and the Medium Term Financial Strategy.

In presenting the report submitted, the Treasurer specifically referred to the increased pressures relating to adults with learning disabilities, people with dementia and those with a physical disability and it was indicated that any further pressures would need to be absorbed by demand management. He further stated that figures relating to pressures and savings would be made clearer by including gross figures when submitting the report to Cabinet in February.

Arising from the presentation of the report and Appendix A to the report submitted, Members asked questions and raised concerns as follows:-

- Concern was expressed at the continuation of spending pressures especially those that related to dementia sufferers that would duly increase owing to an aging population, the lack of investment that would be available although the numbers of sufferers were increasing and the impact on those sufferers and the effect on services was queried.
- In referring to the reduction of staff in Mental Health Services it was queried whether it was expected that there would be a reduction in the numbers of sufferers. Information on the current number of mental health patients, including visits undertaken and those attending outpatients' appointments was also requested.
- In relation to older people it was queried how the transfer of hours to the private sector could be provided at a lower cost than the internal home care team as the private sector were more expensive.
- Was there sufficient capacity for those people being transferred to Russell Court given the closure of the two reablement homes.

In responding to Members' questions the following responses were given:-

- The additional figure of £900,000 that was required to maintain services did not only relate to dementia but also to those with a learning difficulty and further details could be provided if necessary. It was pointed out that efficiency and demand management was the key to offset budgetary pressures.
- The decision to reduce staff in Mental Health Services had been taken in consultation with the Mental Health Trust and it was pointed out that the posts referred to were vacant posts and had been covered by agency workers. With regard to a reduction in numbers of mental health patients, it was pointed out that the management and delivery of mental health services, in line with any other service, was being reviewed given the budgetary

constraints. The Assistant Director Adult Social Care undertook to provide a written response to Members of the Committee in relation to figures on the number of mental health patients, as requested.

- It was stated that costs relating to the internal home care team were higher than the Council paid services to external providers.
- The numbers of spaces available at Russell Court were exactly the same as the numbers being transferred from the two homes, and, if there was a shortfall, additional beds would be purchased to ensure that there was no loss in care.

The Chair acknowledged concerns raised in relation to vulnerable groups and stated that budget reductions that had been occurring over the past five years was also of great concern and that services had to be delivered in a more efficient and manageable manner.

RESOLVED

That the Cabinet's Revenue Budget Strategy proposals for 2013/14 and Medium Term Financial Strategy, as set out in the report, and Appendix A to the report submitted, be noted and the Cabinet informed that there were no specific issues that this Committee would wish to raise.

26 INTEGRATED LIVING TEAM AND REHABILITATION

A report of the Dudley Group National Health Service (NHS) Foundation Trust was submitted on progress to date on the integration of Integrated Living Team (ILT) and the Community Neurology Team.

Arising from the presentation of the report and in response to a query Ms Osborne undertook to provide to Members with the telephone number to contact the integrated service.

RESOLVED

That the information contained in the report submitted, on the integration of services and a reassurance that work is being undertaken with stakeholders to provide the most effective client/patient centred possible support for people with a long term condition and that current changes have not impacted on service quality or access, be noted and accepted.

A report of the Network Director, Black Country Cardiovascular Network was submitted on the position of the Midlands and East Strategic Health Authority (SHA) proposals for the review of stroke services and also outlining the process and timeline associated with the review. A copy of the presentation to be made to the Committee had also been circulated with the agenda.

Arising from the report and presentation given and in responding to Members' queries and concerns it was stated that it was imperative for patients who were suspected of having a stroke to receive immediate care in hospital than at home, the scanner would reveal the type of stroke to enable the correct treatment to be administered and that it was important to ensure that the hospital were alerted about patients' condition beforehand so that appropriate preparations could be made. Work was still being undertaken on the analysis of figures and associated costs and discussions were ongoing on how to split tariffs.

The numbers of staff involved in offering after care support to stroke victims were given and it was explained that the management of patients with a Transient Ischemic Attack (TIA) in Dudley was one of the most pioneering as the one stop clinic offered a 24 hour service and best medical management to patients of Dudley.

With regard to consulting with the public to ascertain their views, as there might be concerns as people would need to travel and whether there were any alternatives should people wish to retain localised services, Mr Walsh indicated that Dudley had patient representation on the Sub Groups for the Project Board. He acknowledged that there were challenges and barriers that would be encountered and efforts would be made to focus on collaborative working. He further indicated that should there be any deviation from the proposals a report would be submitted to the Committee with a view to informing Members on the changes.

Dr Hegarty referred to the comment on people having to travel further to access services across the Black Country and pointed out that it was better for people to travel to access better services. He also pointed out that stroke services in Dudley had been commended and received a national award but that work was ongoing to strive to be even better.

Dr Banerjee then gave a presentation detailing information and statistics on the process involved when assessing stroke patients and points made included that quality patient care was a priority, the services of a radiologist was vital, between April to September Dudley achieved 13.5% thrombolysis (national target being 10%), fast access to Computed Tomography (CT) had been agreed with West Midlands Ambulance Service to improve time to CT Scan and direct access and that a third scanner had been approved for implementation from March, 2013.

RESOLVED

- (1) That the information contained in the report, and presentations given, on the position of the Midlands and East Strategic Health Authority on proposals for the review of stroke services, be noted.
- (2) That a report on the consultation plans prior to implementation and any changes to be made be submitted to a future meeting of the Committee.

28 DUDLEY GENERAL PRACTITIONER (GP) OUT OF HOURS UPDATE

A report of the Director of Primary Care (Black Country PCT Cluster) was submitted on the quality review and contract monitoring processes in place for out of hours providers across the Black Country cluster (Dudley, Sandwell, Walsall and Wolverhampton Primary Care Trusts). A copy of the presentation to be made to the Committee had also been circulated with the agenda.

Arising from the report and presentation given Members commented that the Walk in Centre in Dudley had proved to be a great asset given the increase in the numbers attending and also positive feedback received and it was hoped that the service would continue.

In responding to questions Dr Hegarty informed the meeting that the introduction of the Walk in Centre had initially resulted in a decline in people attending the Accident and Emergency department, however numbers had again risen and that the dissemination of communication relating to accessing services was vital, particularly given the introduction of the new National Health Service 111 telephone number. Dr Hegarty noted comments made from a Member with regard to not being aware of the change in the location of the Walk in Centre from Russells Hall to Holly Hall and that when he had visited the Centre he had difficulty in understanding the Doctor due to his accent.

RESOLVED

- (1) That the information contained in the report, and presentation given, on the quality review and contract monitoring processes in place for out of hours providers across the Black Country Cluster, be noted.
- (2) That a report be submitted to a future meeting of the Committee prior to the renewal of the contract relating to the Walk in Centre in Dudley.

29 LIVING WELL WITH DEMENTIA: A DEMENTIA STRATEGY FOR DUDLEY

A report of the Dudley Clinical Commissioning Group was submitted on the Dudley Dementia Strategy. A copy of the draft Dementia Strategy for Dudley had been appended to the report submitted.

RESOLVED

- (1) That the information contained in the report, and the Appendix to the report submitted, on the Dementia Strategy for Dudley, be noted.
- (2) That Members and Officers be requested to submit their comments direct to the Commissioning Engagement Manager prior to the closing date of the consultation.

The meeting ended at 8.45 p.m.

CHAIR

CHILDREN'S SERVICES SCRUTINY COMMITTEE

Wednesday, 14th November, 2012 at 6.00pm
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor S Turner (Chair)
Councillor Boleyn (Vice-Chair)
Councillors Arshad, Attwood, Bills, Casey, Caunt, J Jones, Marrey,
Mrs Rogers and Mrs Walker; Mr Bruton, Mr Taylor, Mr Tinsley, Mr Ridley,
Mrs Verdegem and Reverend Wickens.

OFFICERS

Health Reform Programme Lead – Lead Officer to the Committee; Director of Children's Services, Assistant Directors of Children's Services (Children and Families) and (Quality and Partnership), Head of Service (Social Services), Director of Corporate Resources, Treasurer and Miss K Fellows, (Directorate of Corporate Resources).

ALSO IN ATTENDANCE

The Cabinet Member for Integrated Children's Services (Councillor Crumpton), Councillor Harley, Mr N Bucktin of the Clinical Commissioning Group and Ms R Musson of the Walsall and Dudley Mental Health Trust.

21 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Mrs Billingham and Mrs Simms; Mrs Coulter and Mrs Ward.

22 **SUBSTITUTE MEMBERS**

It was reported that Councillors Caunt and Mrs Rogers was serving in place of Councillors Mrs Billingham and Mrs Simms for this meeting of the Committee only.

23 **DECLARATIONS OF INTEREST**

No Member made a Declaration of Interest in accordance with the Members' Code of Conduct.

24 **MINUTES**

RESOLVED

That, the Minutes of the meeting of the Committee held on 13th September, 2012 be approved as a correct record and signed.

25

ACTION PLANS IN RESPONSE TO OfSTED INSPECTION OF SAFEGUARDING AND LOOKED AFTER CHILDREN.

The Committee received a report of the Director of Children's Services on the Action Plans in response to the OfSTED inspection of Safeguarding and Looked after Children (December 2011) and a Thematic Inspection of Safeguarding activity (August 2012).

Arising from the presentation of the report submitted, Members asked questions and raised concerns and it was reported as follows:-

Ms Musson of the Walsall and Dudley Mental Health Trust reported that the Individual Plan implementation date in relation to the seven areas that were identified in the OfSTED Thematic Inspection would be March, 2013 however some of the action plans would require partnership working and deadlines in relation to these had not been set.

Councillor Mrs Walker raised concerns in relation to the findings of the Inspection and the fact that the inspection had raised concerns in relation to timely access to emotional and mental health services. She also commented upon the fact that deadlines and targets would not have been met had the inspection not taken place.

Councillor Bills referred to the theme of the Thematic Inspection and welcomed the fact that the inspection had brought children and families with mental health issues to the fore.

Ms Musson stated that it was hoped that a robust action plan could be developed in relation to the actions raised by the Inspection through key partnership working.

She also reported that the Child and Adolescent Mental Health Services, (CAMHS), conducted work in relation to family therapy for those families suffering from mental health issues.

The Chair raised concerns in relation to insufficient effective action to meet the needs of children and the lack of intervention.

Ms Musson responded stating that robust activity was taking place to ensure that there was a process to ensure that children were safeguarded and referred to the caseload management supervision system that was utilised in order to ensure this.

The Assistant Director, Children and Families stated that where there was clear evidence that there were protection issues, Adult Services would refer children and families to the appropriate services, and that measures had been taken to ensure that thresholds were understood and when those thresholds were not met measures had now been built in to ensure that children and families received the support and services that they required.

The Director of Children's Services reported that work had been undertaken as soon as the inspection had taken place in relation to the action plans referred to within the report submitted. Some of the specific actions had already been identified and actioned ensuring that children and families with mental health issues received the services and support that was required.

Mr Bucktin of the Clinical Commissioning Group advised that there was a clear plan to actively engage young people in shaping the delivery of the local health services in order to involve them in that service and ensure that this was child friendly and in order to do this, investigations into existing mechanisms that were in place across the Borough would taken into account.

The Cabinet Member for Integrated Children's Services referred to problems with the length of time that was taken for general practitioners to recognise and deal with mental health problems, referring specifically to the referral process in order to obtain specialist help for those problems, requesting details of data on the length of time that was taken for the referral process.

Mr Bucktin advised that access points were monitored for such referrals and undertook to provide Members and the Cabinet Member with data regarding the length of time from when a patient consulted their General Practitioner to referral to a Consultant.

Mr Bucktin referred to the transformation of the programme that the Mental Health Trust had undertaken advising that the number of access points for referrals had been reduced in order to speed up the process for therapy.

He also referred to the two initiatives that were in place for patients to be referred to gateway access programmes speedily and General Practitioners being able to make referrals direct for cognitive behavioural therapy.

In responding to a question from a Member he advised that contracts with General Practitioners in relation to mental health were entered into with the expectation that services would meet patient standards and those contracts would be monitored and reviewed.

Councillor Walker raised concerns in relation to the time it had taken to deal with mental health issues suggesting that complete scrutiny was required in relation to the system for dealing with such issues in view of the fact that the inspection had taken place over one year ago and some of the specific actions still remained on amber status.

Mr Bucktin advised that there had been complex issues to deal with, which had involved working with more than one organisation, although he was hopeful that the majority of those specific actions would change from an amber to a green status shortly.

In responding to a question from the Chair, Mr Bucktin advised that the Family Nurse Practitioner resources had been agreed by the Clinical Commissioning Group, however as work had been required to be undertaken with the Black Country Trust this would not have been dealt with as expediently as had been hoped.

The Director of Children's Services advised that further updates would be brought to the next meeting in relation to the work conducted with partners to ensure that targets were met regarding timely access to emotional and mental health services. An Annual Report would be produced in relation to the progress made in relation to all agencies concerned.

She also advised that a representative from all partnerships would be requested to attend future meetings of the Committee.

Mr Bucktin also reported that in relation to maintaining registers relating to mental health problems this would form part of General Practitioners contracts and should they not comply with this requirement, there would be sanctions such as withholding payment for this part of the contract.

RESOLVED

- (1) That the information contained in the report, and Appendices to the report, submitted on Action Plans in response to OfSTED Inspection of Safeguarding and Looked after Children, be noted.
- (2) That Members comments as referred to above, be noted.

A joint report of the Chief Executive, Treasurer and Director of Children's Services was submitted on the proposed revenue budget strategy for 2013/14 and the medium term financial strategy provided under the Terms of Reference of this Committee.

Arising from the presentation of the report by the Treasurer, Members asked questions, raised concerns and made comments. In responding to these the Director of Children's Services stated as follows:-

The Dedicated Schools Grant would be impacted upon and some support services would be reduced which would impact on Children's Services as a whole.

That there would be a reduction in staff within Performing Arts. Due to National changes reduction in Special Educational Needs requirements administrative support will be reduced by 2015/16.

That in relation to Early Years the statutory work that was required by the Directorate would continue to be undertaken.

In relation to the Early Intervention Grant a process of a through review had been undertaken within the Directorate and further work would be conducted with the Cabinet Member for Integrated Children's Services in order to identify the 2.3 million in savings referred to in the report submitted.

That the Netherton Arts Centre would be retained, however the staff at the Centre would be reduced and the Directorate would continue to provide traded services for schools, however the position in relation to the Centre would remain under review should further savings be required.

The Director of Children's Services undertook to provide Members with a written response regarding Transforming Futures and the loss of £600,000 at the end of the third year of the budget proposals as to what this figure represented as a percentage of the base budget figures.

She also advised that Youth Centres may be closed, however work would have to be undertaken in relation formulating a criteria for this, including mapping and the need for service provision especially for those who were most vulnerable. This work would be undertaken with the Cabinet Member for Integrated Children's Services. Should this work be undertaken, the Director of Children's Services advised that a report in relation to findings would be submitted to a future meeting of the Committee.

Councillor Bills urged the Cabinet Member for Integrated Children's Services to investigate working with other authorities in order to continue the provision of the work with the Performing Arts.

The Director of Children's Services responded stating that performances at schools would continue, however extra civic performances that required additional funding would cease in order that those services that could still be delivered would be protected. She also reported that the Music Hub Grant would remain in place for a further two years.

In relation to the reduction in funding for those children with mental health issues the Director of Children's Services stated that work would be undertaken with the Health to ensure that some provision continued in order to mitigate the reduction in funding. She also reported that the impact of budget reductions were not as severe as they could have been. Some services would still be provided and there was scope to look at how this area could be mitigated.

The work conducted in relation to mental health by the Directorate would remain under review and further consultations would take place as necessary with the Integrated Cabinet Member for Children's Services and the Clinical Commissioning Group.

The Director of Children's Services advised that in relation to Performing Arts, Government grants were being reduced nationally, however she would continue to look at and seek funding where possible.

In relation to maintaining and improving services for children and young people she stated that the Directorate would strive to maintain service delivery as successfully and efficiently as possible with the funding available.

In relation to the reduction of the Early Intervention Grant, the Director of Children's Services referred to the impact that this would have on the provision of services and in relation to the reduction in such a short period of time, advised that the main objective was to ensure the safety of children and for the Directorate to continue to meet its statutory requirements in relation to this service provision.

In relation to performing arts, the Director of Children's Services provided assurances that in line with the current budget proposals children would continue to be given the opportunity to perform.

In relation to providing corporate and safe services for children and young people, the Cabinet Member for Integrated Children's Services advised that the main priority was not to put any child at risk within the Borough and the need to assess the overall impact of the budget.

The Director of Children's Services referred to the areas of the service that were subject to inspection and the duties to comply and carry out services in view of the inspections that the service was subject to. She also referred to the continuing need for data collection in view of the fact that general intelligence was required, advising that there had been a reduction in staff in this area of work.

The Director of Children's Services undertook to provide Members with details of the reduction of central staff within the Directorate during previous years.

In relation to Education Improvement Advisor posts, the Director of Children's Services advised that there were now five posts, three for primary schools, one for a special school and one for secondary schools. She also reported the need for these posts in view of the Directorate's statutory requirement to challenge and support schools in line with OfSTED.

The Director of Children's Services referred to some funding that had been identified in the budget due to a project not being carried out and a small sum of funding that had become available to work with troubled families within the Borough. She also referred to work that had been carried out regarding the Dedicated Schools Grant.

The Director of Children's Services provided assurances that the services provided by the Directorate would be subject to quality control and those services that were provided in line with statutory requirements would continue to be provided.

She also provided assurances that the Directorate would continue to work with partners in order to investigate possibilities of continuing to provide services for young people and their families and would also encourage voluntary partners to bid and obtain funding for this purpose.

In relation to withdrawing staff training the Director of Children's Services advised that this was in relation to graduate level training that was no longer a statutory requirement.

Regarding the provision of catering services to schools, the Director of Children's Services advised that the majority of schools were still utilising the Directorate's catering services, and in the main these were provided to primary schools. She would circulate details of the number of schools utilising this service to Members.

In relation to the catering income from Himley Hall the Director of Children's Services undertook to circulate to Members details of the percentage of surplus income that the Directorate received from that service.

A Member raised a query as to whether the budget proposals would result in the closure of some Children's Centres and the Director of Children's Services indicated that a full review would be undertaken in this regard which would involve a consultation process. Following consultation a report would be submitted to a future meeting of this Committee to scrutinise.

The Director of Children's Services referred to some traded services that were provided to schools that were cost effective. She undertook to provide Members with a written response regarding the traded services that were delivered to schools by the Directorate.

Councillor Attwood suggested that the Directorate should offer services that would generate further income and the Director of Children's Services reported on the highly valued services being offered and carried out in schools and the work that was carried out with the Dudley Grid for Learning.

In response to a query from a Member, the Cabinet Member for Integrated Children's Services confirmed that the generation of income by the Directorate was under constant review.

The Director of Children's Services reported that any income generation had to be cost effective and had to be delivered in line with the level of funding that the Directorate had available.

RESOLVED

That the Revenue Budget Strategy proposals for 2013/14 and the Medium Term Financial Strategy, as set out in the report, and Appendix A to the report, submitted be noted.

27

THE WORK OF DUDLEY YOUTH OFFENDING SERVICES

The Committee received a report of the Director of Children's Services on the summary of the purpose and structure of Dudley Youth Offending Service and to share working practices and outcomes to demonstrate how the service contribute to improving opportunities and outcomes for young people in the Borough.

In presenting the report submitted, the Head of Service, (Social Services) made particular reference to the holistic assessment process and the approach taken by the Youth Offending Service together with the operation of the three trained community panel members. He also referred to staff responsibilities and the tables included in the report referring to the three key National Indicators that measured Youth Offending Service performance.

Arsing from the presentation of the report Members expressed support and praise for the work conducted by the service.

The Head of Service, (Social Services) undertook to provide a written response to Members in relation to the percentage of those offenders who were looked after children or had previously been looked after children.

He reported that the service had significant success with young offenders and referred to the amount of time that was dedicated to working with young people.

The Director of Children's Services reported that funding in relation to the service was currently being investigated nationally and although it was not anticipated that there would be a reduction during this financial year, it was anticipated that there would be a change in funding following the election of the Police and Crime Commissioner.

In relation to the grant from the Ministry of Justice the Head of Service, (Social Services) reported that budget details in relation to this funding would be announced in December, 2012.

In relation to breaches of statutory orders, the Head of Service, (Social Services) reported that there was a statutory requirement to follow up such breaches within 24 hours with the aim of the service being to protect the public and victims whilst helping the rehabilitation of offenders.

RESOLVED

That the information contained in the report, submitted on the summary of the purpose and structure of Dudley Youth Offending Service, be noted.

28 THE YOUTH OFFENDING SERVICE INSPECTION OUTCOMES.

The Committee considered a report of the Director of Children's Services on the outcomes of the recent pilot inspection of Dudley Youth Offending Service.

In presenting the report submitted the Director of Children's Services referred to excellent results that the service had received in relation to the new inspection regime.

She referred to the full detailed report that had been circulated to Members prior to the meeting regarding the inspection and requested Members to email her direct with any questions that they may have in relation to the report.

Arising from the presentation of the report a Member praised the services provided by the Youth Offending Service and the quality of work carried out by the service.

The Committee also congratulated the service and commended their work.

RESOLVED

That, the report on the outcomes of the recent pilot inspection of Dudley Youth Offending Services, be noted.

29 QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 AND INFORMATION ITEMS

There were no questions asked under the provisions of Council Procedure Rule 11.8.

The meeting ended at 8.35 pm

**REGENERATION, CULTURE AND
ADULT EDUCATION SCRUTINY COMMITTEE**

Tuesday, 15th January, 2013
at 6.00 pm in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Tyler (Chair)
Councillor K Turner (Vice Chair)
Councillors A Ahmed, Attwood, Blood, Body, Caunt, G. H. Davies, Hale, Russell
and Wright

Officers

Assistant Director, Housing Strategy and Private Sector (Lead Officer to the Committee); Treasurer; Change Architect (Directorate of Adult, Community and Housing Services); Assistant Director, Culture and Leisure, Assistant Director, Economic Regeneration, Head of Sports and Physical Activities, Head of Economic Development and Planning Policy Manager (all Directorate of the Urban Environment) and Mr. J. Jablonski (Directorate of Corporate Resources)

26 **APOLOGY FOR ABSENCE**

An apology for absence for the meeting was submitted on behalf of Councillor Herbert.

27 **SUBSTITUTE MEMBER**

It was reported that Councillor Russell had been appointed as a substitute member for Councillor Herbert for this meeting of the Committee only.

28 **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.

29 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 6th November, 2012, be approved as a correct record and signed.

30 PUBLIC FORUM

No matters were raised under this item.

31 LIBRARIES, ARCHIVES AND ADULT LEARNING DIVISION BUDGET_ UPDATE

A report of the Director of Adult, Community and Housing Services was submitted arising from the request made at the last meeting of the Committee for an update on the proposals in place to achieve the £347,000 saving in the divisional budget.

The Change Architect presented the content of the report to the Committee and arising from the presentation given members commented to the effect that further details were required so that the Committee could fully scrutinise the budget prior to it receiving consideration by the Cabinet and Council. In view of this calls were made for a special meeting of the Committee to be held so that further information could be provided.

In response to comments made it was reported that further discussions were being held on the balance of £272,000 for consultation later in 2013.

In the light of further comments on this aspect the Treasurer reported that the balance of £272,000 of savings would not appear in the budget for 2013/14 but would be deferred to 2014/15. There would be an opportunity to scrutinise the £272,000 proposals in November when they would feature in the 2014/15 budget, or earlier. The impact on the Medium Term Financial Strategy of deferring these savings for one year would be met from savings in the current year in the Quality and Commissioning Division of the Directorate of Adult, Community and Housing Services.

Arising from further questions asked the Change Architect undertook to respond to Councillor Body regarding the amount spent on books in the last year and in respect of upgrades to libraries.

At the end of questions and comments Councillor Turner moved the following motion which was seconded –

‘In view of the incomplete information given in the budget reports contained in the agendas of 6th November 2012 and 15th January 2013 that have not allowed the full scrutiny of the budget as it affects this Committee, and in spite of the statements made at the meeting of 6th November 2012 and the email from the Director of Corporate Resources, we are not satisfied that scrutiny has yet been possible. I move that a special meeting of this Committee is held before the budget is further considered by the Cabinet and the Council with the budget scrutiny as the only substantive agenda item.’

On being put to the vote the motion was lost.

RESOLVED

That the information contained in the report submitted, and as reported at the meeting, on the proposals in place to achieve the £347,000 saving in the divisional budget, as requested at the last meeting of the Committee, be noted and that at the appropriate time members contribute to the consultation process when proposals are more fully developed.

32 GLASS MUSEUM – PROJECT DEVELOPMENT

A report of the Director of the Urban Environment was submitted updating the Committee on progress in relation to the glass museum project which had previously been reported to this Committee on 3rd March, 2011.

Arising from a presentation of the content of the report by the Assistant Director, Culture and Leisure members asked a number of questions in particular regarding aspects of the proposals and how they might be developed and the role of the Council in relation to that development.

Overall it was commented on that the project development was at a very early stage and that the concerns and issues raised by members had yet to be fully considered and developed.

The officers concerned were also asked to bear in mind certain points, for example how the site would be controlled; that a lot of the glass collection was owned by the Council and that it was hoped that it would not be handed over to a third party without the necessary controls being instituted; related security issues with the need to ensure that the collection remained as secure as possible and that consideration should be given to incorporating a section of the canal tow path within the site which would be secure and safe and encourage people to tie up and so use and view the facilities on offer.

Overall, it was considered that the report detailed very much the first stages in the project development, that there was a long way to go but that it appeared to be the right direction which was innovative and the way forward.

RESOLVED

That the information contained in the report submitted, updating the Committee on progress in relation to the glass museum project, be noted.

33 PROGRESS REPORT ON REGENERATION OF THE BOROUGH'S LOCAL AND PRINCIPAL TOWN CENTRES

A report of the Director of the Urban Environment was submitted updating the Committee on progress in the regeneration of the Borough's Local and Principal Centres.

Arising from a presentation of the content of the report by the Head of Economic Development, members asked a number of questions and made comments, most of which were responded to.

In respect of other issues raised, the Head of Economic Development undertook to respond direct to Councillor Blood regarding his queries in respect of the fourth and fifth bullet points contained in paragraph 33 of the report submitted in relation to the Crown Centre in respect of the 1500 sq meters of the new mall (including Food Court) and whether car parking charges would be introduced in the High Street and Market Street, Stourbridge.

In response to a question from Councillor Caunt, the Lead Officer to the Committee undertook to arrange for the point raised as to whether the old Sedgley Housing Office for which a sale had been agreed was premature as it was considered that this land had been bought as part of a planned sustainable access route proposed for Sedgley.

RESOLVED

That the information contained in the report submitted, and as reported at the meeting, on the progress made in regenerating the Borough's principal and local centres, be noted.

34 LONDON 2012 - LEGACY

A report of the Director of the Urban Environment was submitted on an overview of the legacy arrangements arising from the London 2012 Olympic and Paralympic Games.

Arising from the presentation given by the Head of Sports and Physical Activities on the content of the report submitted members commented in particular on the representation of both athletes and officials from Dudley and the rest of the Black Country in the games and the take up with particular emphasis on take up from disabled athletes arising from the holding of the games. In response to the latter point it was stated that in Dudley the numbers participating were growing.

In relation to a suggestion made as to whether details of the Games Makers Team could be obtained for possible future use it was reported that a breakdown in respect of the Black Country was available and that the point made would be pursued.

In respect of a further question regarding the Doorstep Clubs and the twenty most deprived communities of England residents of which were expected to provide 80% of such club members the Head of Sports and Physical Activities undertook to provide Councillor Russell with a list of those deprived communities.

Members also commented on points made in relation to officials from the Black Country who had participated in the games and in this connection reference was made to Bob Dillon of the Lions Boxing Club in Silverend, Brierley Hill and as a mark of appreciation it was suggested that a letter of thanks be sent to him on behalf of the Committee.

Regarding officials a query was raised regarding the need for people to act as officials and whether any courses to facilitate this were being held. In response it was noted that this was being developed for cycling in that cycle leaders had been identified in relation to the project referred to in paragraph 8 of the report submitted.

RESOLVED

That the information contained in the report submitted, on the range of legacy opportunities that were available arising from the London 2012 Olympic and Paralympic Games, be noted and that the Lead Officer to the Committee be requested to arrange for a letter of thanks to be sent by the Chair, on behalf of the Committee, to Mr Bob Dillon thanking him for the work he had undertaken in relation to the games.

The meeting ended at 7.45 p.m.

CHAIR

**COMMUNITY SAFETY
AND COMMUNITY SERVICES SCRUTINY COMMITTEE**

Thursday, 17th January, 2013 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Kettle (Chair)
Councillor Branwood (Vice-Chair)
Councillors Burston, Caunt, Cowell, K Finch, Harley, J Martin, Ms Nicholls,
Perks and Russell.

OFFICERS

Assistant Director of Corporate Resources (Customer Services),
(Directorate of Corporate Resources), (Lead Officer to the Committee),
The Drugs and Alcohol Team Manager, (Chief Executive's Department),
The Head of Audit Services, Curatorial Services and Commercial
Operations Manager, Principal Information Security Officer, The CCTV
Security Projects Manager, Principal Solicitor and Miss K Fellows, (All
Directorate of Corporate Resources).

ALSO IN ATTENDANCE

Detective Chief Inspector Bramwell - West Midlands Police.

26. **APOLOGY FOR ABSENCE**

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

27. **DECLARATION OF INTEREST**

Councillor Burston declared a non-pecuniary interest in Agenda item No. 6
– Closed Circuit Television (CCTV) in The Dudley Borough in so far as the
report referred to CENTRO as he was employed by CENTRO.

28. **MINUTES**

RESOLVED

CSCSSC/19

29. PUBLIC FORUM

No matters were raised under this Agenda item.

30. CLOSED CIRCUIT TELEVISION (CCTV) IN THE DUDLEY BOROUGH

A report of the Director of Corporate Resources was submitted on the outcomes of an internal review of the Council's CCTV arrangements and new requirements arising out of the Protection of Freedoms Act. The CCTV Strategy Review was appended to the report submitted.

In presenting the report submitted, the Assistant Director of Corporate Resources, (Customer Services), provided an overview of the report including details of background information, the review that had been undertaken by the Head of Audit Services and the recommendations contained in the report submitted.

The Head of Audit Services referred to the internal review, the investigations that had been undertaken, the number of CCTV cameras situated throughout the Borough and their locations. He also referred to the work of the Sedgley Control Centre.

The Head of Audit Services reported that following the implementation of the Protection of Freedoms Act, 2012 a new Code of Practice in relation to CCTV Cameras was to be drafted. He summarised the recommendations contained in the report submitted and reported that the review had not revealed any major concerns in relation to CCTV cameras within the Borough stating that these were well controlled.

Arising from the presentation of the report and Appendix A to the report submitted, Members asked questions and raised concerns as follows:-

- How many cameras had the Council procured from the Police following Operation Champion.
- Concerns were raised in relation to the legalities surrounding the operation of CCTV cameras and a suggestion that resources should be made available to provide hard and fast guidelines which should be circulated and signed by all owners of such equipment in order to ensure that they were complying with legislation that surrounded the operation of CCTV cameras.

- Concerns were raised that the majority of CCTV Cameras were operated internally by schools and these would not detect crimes such as arson which takes place outside school buildings.
- The loss of income following the termination of the CENTRO contract and whether the integration with other services could generate further income for the Council.
- The percentage of cameras operated for traffic management in particular regarding equipment utilised by those crossing school children.
- Whether data lines were utilised in the provision of CCTV.
- Whether images could be used for educational and publicity purposes.
- Whether statistics were available in relation to the percentage of images utilised that had resulted in criminal convictions.

In responding to Members questions and concerns the Curatorial Services and Commercial Operations Manager advised that three cameras had been procured from the Police at a cost of £3.

In relation to cameras in schools there were sufficient external cameras to help identify problems taking place outside school buildings.

The Head of Audit Services confirmed that the feasibility of integrating other services would be undertaken.

He advised that there were a relatively small number of cameras within equipment utilised by those crossing school children, however where there are problem hotspot areas this equipment would be transferred to those areas.

The CCTV Security Projects Manager reported that the authority worked together with partners and ICT services in relation to integrating services in order to save resources for the authority. He referred to the Council's contract with Telewest which had resulted in the Council being able to integrate services as a result of having the whole fibre at the Council's disposal.

In relation to using images captured by CCTV for educational and publicity purposes the Principal Information Security Officer reported that should those images be able to identify an individual they could not be used without the prior consent of that individual.

Detective Chief Inspector Bramwell indicated the importance of using CCTV images to prevent and anticipate crime and advised that the provision of data assisted with using resources within those areas experiencing ongoing incidents in order to prevent crime and result in arrests. He stated that without CCTV the amount of detections of crime and arrests would reduce significantly.

The Head of Audit Services suggested that in order to make the public aware of the location of cameras and the strategies in place to protect personal data, details could be published on the Council's website.

The Assistant Director of Corporate Resources (Customer Services) reported that the Police did not retain statistical data in relation to percentages of arrests and convictions which had resulted from using CCTV images.

The Chair stated that fundamentally the use of CCTV cameras had been successful in the prevention and reduction of crime and the system should continue. He also recommended that the Cabinet Member for Transportation and Community Safety be advised that this Committee recommended the implementation of a strategy in relation to the operation of CCTV cameras taking into account the Council's resources and Members supported this recommendation.

RESOLVED

- (1) That the information contained in the report, and Appendix to the report, submitted on the outcome of an internal review of the Council's CCTV arrangements and new requirements arising out of the Protection of Freedoms Act, be noted.
- (2) That the Lead Officer be requested to advise the Cabinet Member for Transportation and Community Safety that this Committee recommended the implementation of a strategy in relation to the operation of CCTV cameras taking into account the Council's resources.

-
31. TO CONSIDER WHETHER TO REQUEST THE ATTENDANCE OF ANY SAFE AND SOUND BOARD MEMBER OR THE PROVISION OF ANY INFORMATION AT A FUTURE MEETING IN RELATION TO THE COMMUNITY SAFETY AND COMMUNITY SERVICES SCRUTINY COMMITTEE WORK PROGRAMME.

Following discussion on this issue it was:

RESOLVED

CSCSSC/22

That the attendance of any Safe and Sound Board Member or the provision of any information at the next meeting be not pursued.

The meeting ended at 7.15pm.

CHAIR

CSCSSC/23

APPEALS PANEL (CHILDREN'S SERVICES TRANSPORT)

Wednesday 5th December, 2012 at 10.30 am
in Committee Room 4 at The Council House, Priory Road, Dudley

PRESENT:-

Councillor S Turner (Chair)
Councillors Casey and Miller

Officers

Tony Wells, Senior Transport Manager, Dave Corbett, Senior Transport Officer (Both Directorate of Children's Services) and Helen Shepherd, Assistant Democratic Services Officer (Directorate of Corporate Resources)

1 APOLOGY FOR ABSENCE

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

2 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Casey had been appointed to be substitute member for Councillor Cotterill for this meeting of the Appeals Panel 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 of the Appeals Panel (Children's Services Transport) held on 13th January, 2012, be approved as a correct record and signed.

5 DATE OF NEXT MEETING

It was noted that the next meeting of the Appeals Panel (Children's Services Transport) would be held on 9th January, 2013.

6 EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 as indicated below:-

<u>Description of Items</u>	<u>Relevant Paragraph of Part 1 of Schedule 12A</u>
Home to School Transport Appeals	1

7 HOME TO SCHOOL/COLLEGE TRANSPORT APPEALS – CW

The Appeals Panel considered an appeal relating to Home to School/College Transport.

The Applicants were in attendance at the meeting.

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

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

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

The Applicants then presented their case.

Following the presentation by the applicants, the Senior Transport Manager, the Senior Transport Officer and the Panel asked questions.

Following final submissions, the parties withdrew from the meeting so that the Appeals Panel could continue its deliberations in respect of the Home to School Transport appeal.

RESOLVED

- (1) That, following careful consideration of the written representations as circulated with the agenda papers and all comments and submissions made at the meeting, the appeal be upheld insofar that some form of transport assistance be provided to CW for the remainder of the 2012/13 Academic Year.

- (2) That the Senior Transport Manager, Directorate of Children's Services, explores the option of collaborative working with South Staffordshire Council to include CW in their current transport arrangements to the School he currently attends.
 - (3) That the Senior Transport Manager, Directorate of Children's Services, investigate the cost of providing transport for CW from his grandparents address to the School he currently attends and return.
 - (4) That if no alternative arrangements are considered to be feasible, that a taxi be provided to transport CW to and from School for the remainder of 2012/13 Academic year.
-

The meeting ended at 11.10 am.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Monday 19th November, 2012 at 6.00 pm
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Harris (Chair)
Councillor Roberts (Vice-Chair)
Councillors Casey, Herbert, Taylor, S Turner, Mrs Westwood, C Wilson and Zada

OFFICERS:-

Mr J Butler, Mr T Glews, Mrs S Holmyard, Mr I Hunt, Mrs H Martin, Mr C Mellor and Mr P Reed (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

45 **APOLOGY FOR ABSENCE**

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

46 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor Taylor had been appointed as a substitute member for Councillor Wright for this meeting only.

47 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 29th October, 2012, be approved as a correct record and signed.

48 **PLANS AND APPLICATIONS TO DEVELOP**

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain of the information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, spoke on the planning applications:-

Plan No 97/50322/C1 – Councillor Miller – an objector and Mr Andy Morris – an agent/applicant

Plan No 97/50322/C2 – Councillor Blood – an objector and Mr Andy Morris – an agent/applicant

Plan No P11/1144 – Councillor Harley and Ms Shirley Godwin – objectors and Mr Andy Morris – an agent/applicant

Plan No P12/1257 – Councillor Ridley – an objector and Mr Street – an agent/applicant

(i) Plan No 97/50322/C1 – Ketley Quarry, Dudley Road, Kingswinford, Dudley – Discharge of Condition 30

Decision: Approved, subject to conditions, numbered 1 to 4 (inclusive), as set out in the report submitted, together with additional conditions, numbered 5 and 6, as follows:-

5. As each phase of restoration progresses following extraction, ecological mitigation measures as contained within the recommendations of the Ecological Assessment shall be carried out in accordance with the findings of updated ecological assessments which shall have been carried out within 12 months of each restoration phase.

(ii) Plan No 97/50322/C2 – Ketley Quarry, Ketley Road, Kingswinford, Dudley – Discharge of Condition 23

Decision: Approved, subject to the condition, numbered 1, as set out in the report submitted, together with additional conditions, numbered 2 to 4, as follows:-

2. Prior to the completion of each phase of bund construction, a detailed scheme for the landscaping of the bunds shall have been submitted for the written approval of the Minerals Planning Authority. Such approved scheme shall incorporate phased grass hydroseeding and tree planting to the outer bund face which shall have been completed within the first planting season following construction of the bunds. Such areas of planting shall be maintained for the life of the development.
 3. Prior to the construction of each phase of bunds, details of land drainage to be installed at the foot of each bund shall have been submitted to and approved in writing by the Minerals Planning Authority. Such approved land drainage shall be installed prior to the construction of bunds and shall be maintained for the life of the development unless otherwise agreed in writing by the Minerals Planning Authority.
- (iii) Plan No P11/1144 – Ketley Quarry, Dudley Road, Kingswinford, Dudley – Inert Recycling and Treatment Facility and Material Storage. To Allow Use Crushers and Screens to Pre-Treat Waste Prior to Deposition and Produce Primary and Secondary Aggregates

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted, together with additional conditions, numbered 3 to 5, as follows:-

3. No development shall commence until the revised quarry internal haul route, permanent wheel wash facilities and extended concrete apron has been implemented as approved under planning permission reference P11/1026. Such facilities shall thereafter be maintained for the life of the development, save for the haul route which shall be extended with each phase of extraction in accordance with details to be submitted to and approved in writing by the Minerals Planning Authority.
4. The hereby approved use shall not commence until a management plan and low emissions strategy to mitigate the air quality impacts of the additional vehicle movements directly associated with this application in the immediate vicinity of the application site and local areas of poor air quality including Pensnett High Street, have been submitted to and approved by the Local Planning Authority. All approved mitigation measures shall thereafter be maintained for the life of the permitted use.

- (iv) Plan No P12/1257 – Adopted Footway Opposite Former Coseley Swimming Baths, Pear Tree Lane, Coseley – Prior Approval Under Part 24 of the Town and Country Planning (GPDO) for a Telecommunications Development Comprising a 12.5Metre High Slimline Telecommunications Mast, Associated Antennas, 2 No Radio Equipment Cabinets and Ancillary Development
- Decision: Approved, subject to the condition, numbered 1, as set out in the report submitted.
- (v) Plan No P12/1075 – Trees Bordering Access Road Serving Properties Known as Rosewood House, Richmond Lodge and Redlands and Trees on Little Aston and Thurleston, Quarry Park Road, Pedmore – Fell 1 Laburnum Tree and 1 Sycamore Tree. Crown Lift and Reduce 1 Cherry Tree. Reduce Height of 1 Lime, 1 Sycamore, 1 Oak and 1 Holly all by 8 Feet. Reduce Second Sycamore Tree and Trim Row of Conifers
- Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.
- (vi) Plan No P12/1086 – 8 Sandmeadow Place, Kingswinford – Fell 1 Ash Tree
- Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.
- (vii) Plan No P12/1087 – 5 Sandmeadow Place, Kingswinford – Fell 7 Sycamore Trees
- Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.
- (viii) Plan No P12/1088 – 41 Whitefriars Drive, Halesowen – Fell 1 Sycamore Tree
- Decision: Approved, subject to the condition, numbered 1, as set out in the report submitted.
- (ix) Plan No P12/1115 – The Old Appleyard, 26B Gladstone Road, Wollaston, Stourbridge – Fell 1 Sycamore Tree
- Decision: Approved, subject to the condition, numbered 1, as set out in the report submitted.
- (x) Plan No P12/1131 – Land Adjacent to 56 Highfield Road, Rear of 25-31 Highfield Road and 1-5 Springfield Avenue, Sedgley, Dudley – Erection of 3 No Dwellings

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

- (xi) Plan No P12/1146 – 29/31 Westfield Road, Sedgley, Dudley – Fell 1 Alder Tree and Prune 1 Sycamore Tree

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (xii) Plan No P12/1181 – 109 Dixons Green Road, Dudley – Change of use from Dwelling House to House in Multiple Occupancy for 8 Residents (Retrospective)

Decision: Approved, subject to the condition, numbered 1, as set out in the report submitted.

- (xiii) Plan No P12/1123 – 22 View Drive, Dudley – Two Storey Side Extension and Single Storey Rear Extension (Following Demolition of Existing Conservatory)

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

49 APPEAL PERFORMANCE 1ST APRIL 2011 TO 31ST MARCH 2012

A report of the Director of the Urban Environment was submitted on the performance of the Development Control Service with regard to planning appeals determined in the period April 2011 to March 2012.

RESOLVED

That the information contained in the report submitted on the performance of the Development Control Service with regard to planning appeals determined in the period April 2011 – March 2012, be noted.

The meeting ended at 9.05 pm.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Monday 10th December, 2012 at 6.00 pm
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Harris (Chair)
Councillor Roberts (Vice-Chair)
Councillors Casey, Herbert, S Turner, Mrs Westwood, C Wilson Wright and Zada

OFFICERS:-

Mr J Butler, Mr T Glews, Mr Owen, Mr P Reed and Mrs A Roberts (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

50 **DECLARATION OF INTEREST**

A declaration of a non-pecuniary interest, in accordance with the Members' Code of Conduct, was made by Councillor Wright in Planning Application No P12/0581 (Trindle Road, Dudley) in view of reference made to the West Midlands Fire Service, as he is a member of the West Midlands Fire and Rescue Authority.

51 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 19th November, 2012, be approved as a correct record and signed.

52 **PLANS AND APPLICATIONS TO DEVELOP**

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain of the information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, spoke on the planning applications:-

Plan No P12/0581 – Mr Robert Barnes – an objector and Mr David Green – an agent/applicant

- (i) Plan No P12/0581 – Trindle Road, Dudley – Demolition of Existing Buildings and Erection of Foodstore (A1), Car Park and Petrol Filling Station Together with Associated Access Works, Servicing and Landscaping

Decision: That consideration of this application be deferred pending a site visit to be held prior to the next meeting of the Committee.

- (ii) Plan No P12/1052 – Former Workshop, Court Passage, Dudley – Change of use and Formation of Car Parking Spaces (Following Demolition of Mortuary)

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (iii) Plan No P12/1069 – Former Workshop, Court Passage, Dudley – Conservation Area Consent for the Demolition of Mortuary to Allow Formation of Car Parking Spaces and Removal of Unstable Upper Parts of Existing Historic Stable Retaining Boundary Walls

Decision: Approved, subject to no objection or call-in from the Secretary of State as a result of being notified, and to conditions numbered 1 to 3 (inclusive), as set out in the report submitted.

- (iv) Plan No P12/1176 – 73 Halesowen Road, Halesowen – Change of use from Vacant Funeral Directors (A1) to Café (A3) and Hot Food Takeaway (A5) with Proposed Fume Extraction

Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.

- (v) Plan No P12/1225 – Castle View Playing Fields, Castle View, Dudley – Erection of Outdoor Equipment to Form College Challenge Course and Boundary Fencing

Decision: That the application be approved subject to such approval being referred to the Sport England National Planning Casework Unit and to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted.

- (vi) Plan No P12/1323 – 194 Tipton Road, Woodsetton, Dudley – Fell 1 Robinia Tree

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (vii) Plan No P12/1379 – 2 Dunsley Drive, Wordsley, Stourbridge – Fell 1 Robinia Tree
- Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.
- (viii) Plan No P12/0849 – 637 Birmingham New Road, Coseley – Change of use from Retail (A1) to Hot Food Takeaway (A5), Provision of a New Shop Front and a Two Storey Rear Extension
- Decision: Approved, subject to no further objections being received as a result of the consultation process and to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
- (ix) Plan No P12/1195 – Land Adjacent to 14 Alexandra Street and 33 Edward Street, Dudley – Outline Application for the Erection of 5 No Dwellings (Access, Appearance, Layout and Scale to be Considered)
- Decision: Approved, subject to conditions, numbered 1 to 19 (inclusive), as set out in the report submitted.
- (x) Plan No P12/1204 – 5 Edge Hill Drive, Sedgley, Dudley – Single Storey Front, Side and Rear Extension
- Decision: Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted.
- (xi) Plan No P12/1244 – 35 Paganel Drive, Dudley – First Floor Side, Two Storey Side/Rear and Single Storey Rear Extension (Demolition of Existing Conservatory) (Resubmission of Withdrawn Application P12/0843)
- Decision: Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted.
- (xii) Plan No P12/1307 – 63 Brook Crescent, Wollescote, Stourbridge – Erection of Detached Sun Lounge in Rear Garden (Resubmission of Refused Application P12/0842)
- Decision: Approved, subject to conditions, numbered 1 to 4 (inclusive), as set out in the report submitted.

The meeting ended at 7.50 pm.

CHAIR

DC/55

DEVELOPMENT CONTROL COMMITTEE

Monday 7th January, 2013 at 6.00 pm
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Harris (Chair)
Councillor Roberts (Vice-Chair)
Councillors Casey, Perks, S Turner, Mrs Westwood, C Wilson, Wright and Zada

OFFICERS:-

Mr J Butler, Mr T Glews, Mrs H Martin, Mr Owen and Mr P Reed (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

53 **APOLOGY FOR ABSENCE**

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

54 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor Perks had been appointed as a substitute member for Councillor Herbert for this meeting only.

55 **DECLARATIONS OF INTEREST**

Declarations of non-pecuniary interests, in accordance with the Members' Code of Conduct, were made by the following:-

Councillor Wright in Planning Application Nos P11/1274 (Former Kuehne and Nagel UK, Netherton), P12/1273 (Priory Road Car Park, Dudley), P12/1354 (Dudley Canal Trust, Dudley) and P12/1426 (Former Wordsley Hospital, Wordsley) in view of reference made to the West Midlands Fire Service and the Black Country Living Museum, as he is a member of the West Midlands Fire and Rescue Authority and a Trustee of Black Country Living Museum.

Councillor Wright in Planning Application No P12/0928 (Fire Station, Hagley Road, Halesowen) as the application had been submitted by the West Midlands Fire Service and he is a member of the West Midlands Fire and Rescue Authority. Councillor Wright withdrew from the meeting during consideration of this item.

Councillor Harris in Agenda Item No 7 (Design in Brierley Hill Town Centre Supplementary Planning Document) in view of being a Member of the Brierley Hill Town Centre Partnership and Honorary Treasurer of Brierley Hill Civic Society as they were consultees on the Supplementary Planning Document.

Councillor Perks in Planning Application No P12/1354 – Dudley Canal Trust, Todds End Field, Dudley) in view of reference made to the Black Country Museum as she is a volunteer at the Museum.

56 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 10th December, 2012, be approved as a correct record and signed.

57 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.

Plan No P12/0581 – Trindle Road, Dudley – Demolition of Existing Buildings and Erection of Foodstore (A1), Car Park and Petrol Filling Station Together with Associated Access Works, Servicing and Landscaping

The Pre Committee note for this application was read out in full and the Committee considered the detailed information given by the Head of Planning regarding the letter received from Planning Prospects on the 4th January 2013 and the related responses.

Decision: Approved, subject to the following:-

- (1) Referral to the Secretary of State for consideration in accordance with Section 77 of the Town and Country Planning Act 1990.
- (2) The applicant being invited to make an application to the Secretary of State, under Section 247 of the Town and Country Planning Act 1990 to close, create and improve highways as shown on Drawing No 13238-22 revision K or subsequent revised drawing as agreed under delegated powers by the Director of the Urban Environment to enable development authorised by planning permission to take place; the full costs and works to the Local Authorities' satisfaction shall be met by the developer.

- (3) Conditions, numbered 1 to 31 (inclusive), as set out in the report submitted.
-

58

PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain of the information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, spoke on the planning applications:-

Plan No P12/1426 – Ms Rowena Jeremy – an objector and Mr Howard Thorne – an agent/applicant (Not in Attendance)

- (i) Plan No P12/1426 – Building 12, Former Wordsley Hospital, Stream Road, Wordsley – Conversion of Existing Building to 9 No Apartments with Associated Parking (Amendment to Previously Approved Application P11/1511)

Decision: Approved, subject to conditions, numbered 1 to 18 (inclusive), as set out in the report submitted.

- (ii) Plan No P12/1274 – Former Kuehne and Nagel UK, Saltwells Road, Netherton, Dudley – Outline Application for the Demolition of Existing Building and Erection of 70 No Dwellings (Access to be Considered)

Decision: Approved, subject to the following:-

- (1) The applicant entering into a Section 106 Agreement for a contribution towards footpath improvements within Saltwells Local Nature Reserve totalling £2,365.72 and 10% affordable housing to be provided on site and a management and monitoring charge of £250.
- (2) The completion of the Agreement within three months of the date of this approval and, in the event of this not happening, the application being refused, if appropriate.
- (3) Conditions, numbered 1 to 22 and 24 to 27 (inclusive), as set out in the report submitted, together with amended conditions, numbered 9, 10, 12, 13 and 23 and additional conditions, numbered 28, 29 and 30, as follows:-

9. Where the approved risk assessment (required by condition 8) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
10. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by condition 9) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.
12. Where the approved risk assessment (required by condition 11) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
13. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by condition 12) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.
23. Prior to demolition if this is in advance of any subsequent planning applications bat surveys to the standard of either the Nature Conservation SPD or Bat Conservation Trust's Bat Surveys: Good Practice Guidelines (2012) must be submitted along with a plan of any mitigation required for agreement at Reserved Matters stage. The surveys must include the whole of the site (including appropriate areas adjacent to the site) and be carried out by an experienced and qualified bat worker and integrated into a site mitigation plan. All works must be carried out in accordance to the approved plan and retained for the lifetime of the development.

28. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up and including the 1 in 100 year + 30% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Limiting the surface water runoff to Greenfield Rates, around 5l/s per hectare
- Details of how the scheme shall be maintained and managed after completion.

29. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
All previous uses
Potential contaminants associated with those uses
A conceptual model of the site indicating sources, pathways and receptors
Potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

30. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (iii) Plan No P12/0928 – Fire Station, Hagley Road, Halesowen – Outline Application for Demolition of Fire Station and Erection of 14 No Dwellings (Access to be Considered)

Decision: Approved, subject to conditions, numbered 1 to 7 and 9 to 27 (inclusive), as set out in the report submitted, together with a revised condition, numbered 8, and additional condition, numbered 28, as follows:-

8. For the avoidance of doubt any subsequent reserved matters application shall include details of the parking and turning areas within the site. The development shall be carried out in full accordance with those details prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.

28. For the avoidance of doubt any subsequent reserved matters application shall take account of the existing turning head on Ashfield Grove and the development shall not encroach into it.
- (iv) Plan No P12/1273 – Priory Road Car Park, Priory Road, Dudley – Erection of New Four-Storey Education Building, Together with Associated Access Works, Car Parking and Landscaping

Decision: Approved, subject to conditions, numbered 1 and 2, 5, 7 to 9 and 11 and 13 to 20 (inclusive), as set out in the report submitted, together with the deletion of condition, numbered 12 and revised conditions, numbered 3, 4, 6 and 10, as follows:-

3. No development shall take place unless an obligation under Section 106 of the Town and Country Planning Act 1990 between the Local Planning Authority and all persons interested in the land within the application site has been executed, such obligation to secure the following:
- (1) The payment of £10,000.00 for Car Parking Monitoring and associated Traffic Regulation Orders
 - (2) £1,340.00 for the monitoring, management and implementation of the above obligations, and
 - (3) An agreement not to implement the development approved under planning permission P10/0954 in the event that the development approved under this application is implemented, and
 - (4) The Council's Legal Fees for drafting the agreement.
4. Prior to the first occupation of the development, details of nature conservation enhancement works shall be submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancements works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
6. Prior to the first occupation of the development, details of works of public art shall be submitted to and approved in writing by the Local Planning Authority. The works of public art shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

10. Prior to the commencement of development, a detailed landscaping scheme (incorporating all hard and soft landscaping) for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provisions for the maintenance of landscaped areas on the site, including a commitment to replacement planting in the event that any planting becomes diseased, damaged or removed. The agreed scheme shall be implemented in accordance with the approved details before the building hereby approved first being brought into use (for the hard landscaping) and before the end of the first planting season following initial occupation of the development (for the soft landscaping).

(v) Plan No P12/1333 – Land Adjacent to 122 High Street, Lye, Stourbridge – Outline Application for the Erection of 19 No Dwellings (All Matters Reserved)

Decision: Approved, subject to the following:-

- (1) The applicant entering into a Section 106 Agreement for 25% onsite provision of affordable housing and management and monitoring fees of £500.
- (2) The completion of the Agreement within three months of the date of this approval and, in the event of this not happening, the application being refused, if appropriate.
- (3) Conditions, numbered 1 to 12 and 15 to 24 (inclusive), as set out in the report submitted, together with amended conditions, numbered 13 and 14, as follows:-
 13. Where the approved risk assessment (required by condition No 12) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
 14. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by condition No 13) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (vi) Plan No P12/1354 – Dudley Canal Trust, Todds End Field, Birmingham New Road, Dudley – Erection of a Portal (Learning and Access Hub) with Associated Works to Include Pedestrian Swing Bridge (Over Canal), Car Park Improvements and Landscaping

Decision: Approved, subject to conditions, numbered 1 to 15 (inclusive), as set out in the report submitted.

- (vii) Plan No P12/1359 – Dudley College, The Broadway, Dudley – Variation of Conditions 3, 8, 20 of Planning Application P10/0954

Decision: Approved, subject to conditions, numbered 1, 4, 6 to 10 and 12 to 23 (inclusive), as set out in the report submitted, together with revised conditions, numbered 2, 3, 5 and 11, as follows:-

2. Prior to the first occupation details of public realms works shall be submitted to and approved in writing by the Local Planning Authority. The public realm works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
3. Prior to the first occupation details of works of public art shall be submitted to and approved in writing by the Local Planning Authority. The works of public art shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
5. Application for Reserved Matters shall be made and the development shall commence before 24th September 2015.
11. The development shall not be begun until the revocation or expiry of planning permission P06/2167/E1 has been secured.

- (viii) Plan No P12/1413 – Netherend Unitarian Chapel, Park Lane, Cradley, Halesowen – Fell 5 Lime Trees and 1 Beech Tree. Pollard 7 Lime Trees

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (ix) Plan No P12/1450 – LCP House (Building 36), First Avenue, Pensnett Trading Estate, Kingswinford – Fell 12 Leylandii Trees. Fell 3 Multi-Stem Ash Seedlings, Coppice 8 Multi-Stem Willow Trees and 30 Single Stem Willow Trees. Crown Lift all Trees to a Height of 5 Metres Along Boundary Fence from 46 Hinsford Close over 30 Metres as on Plan. Crown Lift all Trees to a Height of 3.6 Metres Along Stallings Lane as on Plan. Pollard 1 Willow Tree.

Decision: Approved, subject to the condition, numbered 1, as set out in the report submitted.

- (x) Plan No P12/1585 – 11 Heath Street, Stourbridge – Fell 1 Cypress Tree and Reduce 1 Sycamore by 30%. Trim off Epicormic Growth

Decision: That the Director of the Urban Environment be authorised to approve the application subject to no adverse comments being received following the expiration of the public consultation period, and to the condition, numbered 1, as set out in the report submitted.

59 DESIGN IN BRIERLEY HILL TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT

A report of the Director of the Urban Environment was submitted on the Design in Brierley Hill Town Centre Supplementary Planning Document (SPD) and its role as supporting guidance to the adopted Brierley Hill Area Action Plan.

RESOLVED

That the information contained in the report submitted on the Design in Brierley Hill Town Centre Supplementary Planning Document (SPD) and its role as supporting guidance to the adopted Brierley Hill Area Action Plan, be noted.

60 REVOCAION OF TREE PRESERVATION ORDER

A report of the Director of the Urban Environment was submitted on whether the Tree Preservation Order, as indicated in Appendix 1 of the report submitted, should be revoked due to a change in circumstances since it was originally made.

RESOLVED

That approval be given to the revocation of the Tree Preservation Order indicated in Appendix 1 of the report submitted, namely: The Borough of Dudley (80/82. Ellowes Road, Lower Gornal) Tree Preservation Order 1995.

The meeting ended at 7.30 pm.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Monday 28th January, 2013 at 6.00 pm
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Harris (Chair)
Councillor Roberts (Vice-Chair)
Councillors Casey, Herbert, Mrs Westwood, C Wilson, Wright and Zada

OFFICERS:-

Mr J Butler, Mr T Glews, Mrs H Martin, Mr Owen and Mr P Reed (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

61 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor S Turner.

62 **DECLARATIONS OF INTEREST**

Declarations of non-pecuniary interests, in accordance with the Members' Code of Conduct, were made by the following:-

Councillor Wright in Planning Application No P12/1464 (Land and Garages off School Drive, Dudley) as he had been lobbied on domestic sprinklers and that he is a member of the West Midlands Fire and Rescue Authority.

Councillor Zada in Planning Application No P12/0462 (New Health Centre, Vacant Land between Jackson Street and Clinic Drive as he works for the National Health Service.

63 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 7th January, 2013, be approved as a correct record and signed.

PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain of the information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, spoke on the planning applications:-

Plan No P12/1347 – Mr Graham Wilson (Skelton Group) – an objector and Mr McManus – an agent/applicant were in attendance but did not exercise their entitlement to speak as the application was deferred from consideration.

Plan No P12/1239 – Mr David Taylor – an objector and Dr Hare – an agent/applicant

- (i) Plan No P12/1347 – Chemviron Carbon, Foxyards, Bean Road, Tipton – Erection of Storage Bunkers, Storage/Maintenance Warehouse, Bulk React Carbon Storage Silo, Bulk Tanker Truck Loading Area and Increase the Height of the Building

Decision: That the application be deferred to allow full and proper consideration to be given to the additional comments and representations received.

- (ii) Plan No P12/1239 – Dental Surgery, 103 Spies Lane, Halesowen – Single Storey Front Extension and New Front Stepped Access. First Floor and Two Storey Rear Extension

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

- (iii) Plan No P12/0462 – Vacant Land Between Jackson Street and Clinic Drive, Lye, Stourbridge – Erection of New Health Centre to Include a Retail Pharmacy and Associated Car Parking

Decision: Approved, subject to conditions, numbered 1 to 21 and 23 (inclusive), as set out in the report submitted, together with an amended condition, numbered 22 and additional condition, numbered 24, as follows

22. No development shall commence until details of the highway works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until these highway works have been implemented in accordance with the approved details. The highway works shall include a new widened footway in Clinic Drive, new footways in Jackson Street to an adoptable highway standard.
24. Within 6 months of first occupation of the development details of strengthening to the existing footways in Jackson Street to carriageway specification shall be submitted to and approved in writing by the Local Planning Authority. Within 6 months of first occupation of the development the strengthening works will be implemented in accordance with the approved details.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (iv) Plan No P12/1425 – Lapal House, Lapal Lane South, Halesowen – Following Demolition of Existing Outbuilding Erection of Purpose Made Outbuildings for Garages, Storage and Short Stay Respite Care (Resubmission of Withdrawn Application P11/1390)

Decision: Refused, for the reason as set out in the report submitted.

- (v) Plan No P12/1554 – 69 and 69A Frankley Avenue, Halesowen – Conversion of Existing Granny Annexe (No 69A) to 1 No Dwelling with New Window to Rear Elevation, New Vehicular Access from Seven Acres Road and Associated Parking (Following Demolition of Existing Garage). New Patio Window to Side Elevation of 69 Frankley Avenue

Decision: Refused, for the reason as set out in the report submitted.

- (vi) Plan No P12/1317 – 24-26 Stone Street, Dudley – Change of use from A2 (Professional and Financial Services) to A3/A5 (Restaurants and Cafes/Hot Food Takeaway) with Proposed Fume Extraction

Decision: Approved, subject to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted.

- (vii) Plan No P12/1448 – Corner House, 71 Halesowen Street, Rowley Regis – Conversion of Dwelling into 3 No Flats

Decision: Approved, subject to conditions, numbered 1 to 10 (inclusive), as set out in the report submitted, together with an additional condition, numbered 11, as follows:-

11. Prior to the commencement of development a scheme for the provision of bin storage facilities for both the retail unit and the apartments within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the flats and thereafter retained for the lifetime of the development.

(viii) Plan No P12/1464 – Land and Garages, off The School Drive, Dudley – Demolition of Existing Garages and Erection of 2 No Dwellings with Associated Car Parking

Decision: Approved, subject to conditions, numbered 1 to 4, 7 and 10 to 18 (inclusive), as set out in the report submitted, together with amended conditions, numbered 5, 6, 8 and 9 and additional conditions, numbered 19 and 20, as follows:-

5. Where the approved risk assessment (required by condition 4) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
6. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by condition 5) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.
8. Where the approved risk assessment (required by condition 7) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
9. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by condition 8) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.
19. Prior to the commencement of development, details of external lighting shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall be installed and be operational prior to first occupation of the development. The scheme shall be retained for the life of the development.

20. Prior to commencement of the permitted use, a scheme for a continuous acoustic barrier constructed along the boundary shared with the Sledmere Community Centre, of minimum height of 2 metres and minimum surface density of 10 kg/m² shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before first residential occupation. The barrier shall be retained throughout the life of the development.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (ix) Plan No P12/1468 – 32 West Road, Cradley – Erection of 2 No Dwellings (Part Retrospective)

Decision: Approved, subject to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted.

The meeting ended at 7.15 pm.

CHAIR

SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE

Wednesday 19th December, 2012 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillor Cowell (Vice-Chair)
Councillors M Aston, Blood, K Finch, Herbert, James, Roberts and Woodall.

Officers

Senior Solicitor (as Legal Advisor), Solicitor and Mrs K Griffiths (all Directorate of Corporate Resources)

Also In Attendance - (for agenda item no. 4)

Mr A Taylor, Licensing Officer for West Midlands Police
PC Reg Steel
PC William Smith
PCSO Sarah Nixon
Ms D McNulty – Public Health Manager

12 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Mrs Ameson, Russell and Taylor.

13 DECLARATION OF INTEREST

Councillor Cowell declared a non-pecuniary interest in respect of Agenda Item No. 4 – Quarry Bank (Alcohol Consumption in Designated Public Place) Order 2013, as a Ward Member for the area.

14 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 12th September, 2012, be approved as a correct record and signed.

QUARRY BANK (ALCOHOL CONSUMPTION IN PUBLIC PLACES)
ORDER 2013

A report of the Director of Corporate Resources was submitted on a proposal that an Order be made making Quarry Bank a designated public place where the consumption of alcohol would be prohibited other than within the curtilage of licensed premises.

Attached at Appendix 2 to the report submitted was a copy of a plan showing the proposed Area to be designated. Attached at Appendix 1 to the report submitted was a report from West Midlands Police summarising the problems with the excess consumption of alcohol and associated problems in Quarry Bank. Circulated prior to the meeting was a further document giving details of alcohol related anti social behaviour, public safety welfare and crimes in support of the proposed Order.

The Solicitor referred to the Appendices indicated above and to the Police incident logs referred to in paragraph 5 of the report, which the Chair and Vice-Chair of this Committee had agreed to inspect prior to this meeting.

Arising from the presentation, the Chair indicated that the Vice-Chair and herself had inspected the Police incident logs prior to the meeting and both had been satisfied as to the evidence contained therein.

PC Steel was then invited to speak and confirmed that the proposed Order would enable the Police to more effectively control the alcohol fuelled anti-social behaviour in the proposed area and greatly improve the quality of life for residents.

Members commented on the need to ensure that Orders were enforced. It was suggested that contact numbers be given to residents in the area of the proposed Order to report incidents relating to alcohol. In responding, PC Steel indicated that the Police were currently undergoing a Continuous Improvement Programme, however, he assured the Committee that they were committed to protecting the services they provided at the level expected. The proposed Order would give the Police extended power to tackle alcohol related anti social behaviour.

Members further commented that the way in which the Police enforced Alcohol Consumption in Public Places Orders should be consistent across the whole of the borough. Assurances were given that the issue would be considered in the New Year.

Members were also invited to consider the health issues associated with excessive alcohol consumption.

Arising from a question asked in relation to tackling persistent offenders, the representative for West Midlands Police indicated that Officers could now issue Dispersal Orders giving them the power to move people from within the strictly defined prohibited areas if they were suspected of causing anti-social behaviour. It was reported that should perpetrators ignore the Notice, arrests could be made.

The Legal Advisor then outlined the Procedure for making an Order as detailed in paragraphs 9 to 13 of the report submitted to the meeting.

Arising from the consideration given to this matter it was

RESOLVED

That approval, in principle, be given to the introduction of a Designation Order for Quarry Bank, as shown on the plan attached at Appendix 2 to the report submitted, the effect of which if introduced, will prohibit the consumption of alcohol within the designated area other than within the curtilage of licensed premises, and that the Director of Corporate Resources be authorised to undertake the necessary consultations and publish a notice in a local newspaper in accordance with the procedure for the making of an Order, as outlined in the report submitted.

16

COMMENTS FROM THE CHAIR

The Chair thanked everyone for attending the meeting and wished all a Happy Christmas and a Prosperous New Year.

The meeting ended at 10.30am.

CHAIR

LICENSING SUB-COMMITTEE 1

Tuesday, 20th November, 2012 at 10.05 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillors Blood and Taylor

Officers

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor (Democratic Services) – all Directorate of Corporate Resources

36. APOLOGY FOR ABSENCE

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

37. APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Taylor had been appointed as a substitute member for Councillor Woodall, for this meeting of the Sub-Committee only.

38 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

39 MINUTES

RESOLVED

That, the minutes of the meeting held on 18th September, 2012 be approved as a correct record and signed.

40 APPLICATION FOR GRANT OF PREMISES LICENCE – FAGS AND MAGS LIMITED, 1 – 5 NEW STREET, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of Fags and Mags Limited, 1 – 5 New Street, Dudley.

Mr A Nematollahi, Applicant, and Mr S Ward, Knight Training Ltd, were in attendance at the meeting.

Also in attendance were Mr G Wintrip, Age Restricted Products Enforcement Officer and Mrs L Ingram, Enforcement Officer, both from the Directorate of the Urban Environment, PC A Taylor from West Midlands Police, and Councillor Perks as an observer.

Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

It was noted that on 3rd July, 2012 an application for the review of the premises licence was received from Trading Standards, which was due to be considered by the Licensing Sub-Committee on 21st August, 2012. The Designated Premises Supervisor failed to attend the hearing and informed the Sub-Committee that he had volunteered to surrender his licence.

Mr Wintrip then presented the representations of Trading Standards and in doing so highlighted that the grounds for the objection to the application had been based on the serious undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm due to the poor management of the premises with respect to the sale of alcohol to children, when the premises had previously held a premises licence.

Mr Wintrip informed the Sub-Committee that on 16th January, 2012, an officer from Trading Standards carried out a visit to the premises and spoke to a Mr A Nematollahi, the Designated Premises Supervisor. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, information in respect of acceptable proof of age and how to check it and the benefits of keeping a refusals register. Mr Nematollahi was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards card. He was also informed that test purchasing was carried out at premises that sell age restricted products and the possible consequences for underage sales. It was reported that during the course of this visit, Mr Nematollahi signed a form to confirm that he understood the age restrictions for products including alcohol and to acknowledge receipt of the information pack.

Mr Wintrip further stated that on 4th May, 2012, Trading Standings together with West Midlands Police, carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a fifteen year old female test purchaser volunteer purchased a 1 litre bottle of Frosty Jack's Cider, 7.5% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been a Mr W Mehmood.

It was noted that Mr Nematollahi was not present at the premises at the time of the sale.

During the questioning of Mr Mehmood in respect of the sale, he had some difficulty in responding due to his apparent poor English, but did admit selling the alcohol as he had considered that the volunteer looked eighteen. He stated that he had made many refusals to serve alcohol, particularly to Dudley College students, but was not able to produce a Refusals Register to evidence this. It was noted that when asked about training provided to Mr Mehmood in relation to Age Restricted Sales, he stated that he had been told to ask for the customer's age or identification.

It was noted that the CCTV was not working and Mr Mehmood advised that this was a result of a recent break in at the store. Mr Mehmood was then issued with a Fixed Penalty Notice.

A full list of proposed additional conditions which had been suggested by Trading Standings had been circulated to all parties prior to the meeting.

PC Taylor stated that the information presented by Trading Standards was similar to the representations made by West Midlands Police, and requested that the Sub-Committee attach the conditions as suggested by Trading Standards.

Mr Ward then presented his case on behalf of the applicant and in doing so informed the Sub-Committee that Mr Nematollahi accepted the failings surrounding the sale on 4th May, 2012, and that since Mr Nematollahi had surrendered his licence, improvements had been made to the premises to address any concerns raised.

It was noted that Mr Nematollahi had undertaken his Level Two Designated Premises Supervisors qualification on 17th October, 2012.

Mr Ward informed the Sub-Committee that a refusals register would be implemented and that he had advised Mr Nematollahi of the importance of the Challenge 25 policy and that the posters would need to be prominently displayed. He also stated that his company, Knights Training Ltd, would be prepared to offer all the support that Mr Nematollahi required to allow him to operate a successful business.

In responding to a question by a member, Mr Nematollahi confirmed that it was his intention to sell the premises, and that by obtaining a premises licence he believed that this would increase the value.

In responding to a question by the Chair, Mr Nematollahi confirmed that he had obtained a Level Two Designated Premises Supervisors Award, and a Level Two Award for Personal Licence Holders.

Reference was made to the representations received from Trading Standards in particular that the CCTV was not working at the time of the sale on 4th May, 2012, Mr Nematollahi stated that changes had not been made as he was awaiting consultation with West Midlands Police to re-position the cameras.

Following the reading of the conditions submitted to the Sub-Committee by Trading Standards, Mr Nematollahi confirmed that he was agreeable to the conditions suggested. It was further noted that Knights Training Ltd would provide a training programme on a monthly basis with all records stored at the premises, and that the posters currently displayed at the premises would be reduced to allow the posters in relation to age restricted products to be prominent.

Mr Nematollahi informed the Sub-Committee that he was currently the sole employee at the premises, and that it was his intention that his trading hours would be between the hours of 09:00 and 20:00.

Further to comments made in regard to the conditions, Mr Ward assured the Sub-Committee that he had explained to Mr Nematollahi the importance of the conditions, how they would be key to how he operated his business and the consequences should Mr Nematollahi fail to adhere to the conditions.

PC Taylor made reference to the condition in relation to CCTV in particular that the images are to be recorded and kept for a minimum of 28 days and made available upon request within 24 hours. He requested that the condition be amended to state that the recordings be made available immediately, and given that most premises stored the CCTV hard-drive in the ceiling, he asked that Mr Nematollahi consider re-locating for easier access. Mr Nematollahi agreed to the proposals suggested.

The Licensing Officer made reference to the condition in relation to any persons authorised to sell alcohol, and asked that should Mr Nematollahi decide to employ additional staff, he be requested to submit a written record of employees who were authorised to sell alcohol to the Licensing Office.

In summing up, Mr Ward on behalf of Mr Nematollahi stated that his client understood that failings had been made resulting in a sale of alcohol to a child on 4th May, 2012, and that he was confident that Mr Nematollahi would not fail again. He stated that Mr Nematollahi understood the importance of partnership working with West Midlands Police and other agencies, and was aware that should he fail again, his licence may be revoked.

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

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

RESOLVED

That, subject to the following conditions, the application for the grant of a premises licence in respect of Fags and Mags Limited, 1 – 5 New Street, Dudley be approved, in the following terms :-

Sale of Alcohol

Monday – Sunday 09.00 – 20.00

- (1) A Challenge 25 policy will be operated at the premises whereby any individual attempting to purchase alcohol who appears to be under 25 years of age will be asked to provide valid identification to prove they are 18 years or older. All staff must be made aware of this policy.
- (2) Valid proof of identification only to include passport, photographic driving licence or an Proof of Age Standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.
- (3) Publicity materials notifying customers of the operation of the “Challenge 25” scheme shall be displayed at the premises, including a “Challenge 25” sign of at least A4 size at each point of sale.
- (4) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.

- (5) A Bound Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall check the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of any responsible authority.
- (6) CCTV to be in place at the premises to the specifications of the West Midlands Police – Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request. All staff are trained to operate the system and download images.
- (7) The premises' CCTV shall be reviewed on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (8) No supply of alcohol may be made under the premises licence at a time when the Designated Premises Supervisor does not hold the Level 2 Award for Designated Premises Supervisor. Proof of qualification shall be provided to the Police and/or an officer of any responsible authority.
- (9) All persons engaged to sell alcohol will have completed a training programme which includes a written test to verify the competency of that person prior to them being authorised to sell alcohol.
- (10) The premises licence holder shall ensure that monthly reviews are conducted with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy. There must be a written record of authorisation to sell alcohol.
- (11) A file shall be maintained at the premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 10. This file shall be available for inspection by an officer of any responsible authority.

REASON FOR DECISION

The applicant seeks the grant of a premises licence to sell alcohol between the hours of 8am and 11pm Monday to Sunday. The applicant has stated that he is a sole trader, employs no staff, and intends initially to open the shop between the hours of 9am until 8pm. He has also confirmed that he took the examination to become a Designated Premises Supervisor Level Two on 16th October, 2012 and passed this. This is very recent, and he has confirmed that any training of new staff will be likely to be conducted by an external agent.

Trading Standards have suggested a number of conditions that should be attached to any licence granted, and the applicant has considered these, with the benefit of professional advice, and agrees to them. Today he has also agreed to a number of amendments to those conditions in order to tighten them.

On the basis of the evidence heard today, the Sub-Committee grants the licence for the sale of alcohol between the hours of 9am to 8pm Monday to Sunday, which reflects the applicants current intentions in trading hours in terms of selling alcohol. The applicant is of course at liberty to apply to extend those hours should he wish to do so in the future, bearing in mind the conditions attached to this licence.

The Sub-Committee agrees to attach the conditions as thoroughly discussed in the Committee today.

The meeting ended at 11.20 am.

CHAIR

LICENSING SUB-COMMITTEE 1

Tuesday, 4th December, 2012 at 10.05 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillors Blood (Until Minute No.47), Cowell (From Minute No. 47) and Taylor

Officers

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor (Democratic Services) – all Directorate of Corporate Resources

41. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillor Woodall and Councillor Blood in respect of Agenda Item No. 7 – Application for Premises Licence – S and F News and Food, 51 Mount Pleasant, Kingswinford.

42. APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillor Taylor had been appointed as a substitute member for Councillor Woodall, for this meeting of the Sub-Committee only, and that Councillor Cowell had been appointed as a substitute member for Councillor Blood for Agenda Item No. 7 only.

43. DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

44. MINUTES

RESOLVED

That, the minutes of the meeting held on 20th November, 2012 be approved as a correct record and signed.

45. APPLICATION FOR REVIEW OF PREMISES LICENCE – PREMIER, 138 – 142 HIGH STREET, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Premier, 138-142 High Street, Brierley Hill.

Mrs A Sekhon was in attendance together with her Solicitor, Mr P Burke and Mr C Singh.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Enforcement Officer, both from the Directorate of the Urban Environment, and PC A Taylor from West Midlands Police.

Following introductions, Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Arising from the presentation of the content of the report submitted, it was noted that on 6th November, 2012, an application for the transfer of the premises licence into the name of Mr C Singh, and a variation of designated premises supervisor had been granted.

Mr King presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm due to the poor management of the premises following the sale of alcohol to a person under the age of eighteen.

Mr King informed the Sub-Committee that on 26th September, 2012, a sixteen year old child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention of the licensing objectives.

On 5th July, 2012 an officer from Trading Standards carried out a visit to the premises and spoke to a Mr C Singh, who stated he was the husband of the Designated Premises Supervisor, Mrs A Sekhon, and joint partner of the business. It was noted that Mrs Sekhon was not present at that time as she was staying with relatives in Canada.

The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Singh was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card, and was requested to ensure that all staff were aware of their obligations under the Licensing Act 2003. He was also informed that test purchasing was carried out at premises. It was reported that during the course of this visit, Mr Singh signed a form to acknowledge receipt of the information pack.

Mr King further stated that on 26th September, 2012, Trading Standards together with West Midlands Police, carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a sixteen year old male test purchaser volunteer purchased a 70cl bottle of VS Blue Vodka, 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been a Mr K Singh. It was noted that Mrs Sekhon or any other employee was not present at the premises at the time of the sale.

During the questioning in regard of the sale, Mr K Singh denied working at the premises despite the sale having been witnessed by a Trading Standards Officer, having repeatedly denied working at the premises he eventually confirmed that he had not received any training in relation to the sale of age restricted products and had not been authorised by Mrs Sekhon or Mr C Singh to sell alcohol in their absence.

It was further noted that on inspection of the premises there were Age Restricted posters on display and a Challenge 25 policy implemented.

Following a period of time, Mrs Sekhon and Mr C Singh returned to the premises and confirmed that Mr K Singh had not received any relevant training and had not been authorised to sell alcohol, and that he had just helped out for an hour whilst both of them were away from the premises.

It was noted that Mrs Sekhon and Mr C Singh were unable to locate the refusals register issued to Mr C Singh during the visit by an officer from Trading Standards on 5th July, 2012.

Mrs Sekhon was then given a Trader's Notice (373) requesting her to produce a copy of the CCTV footage between 06:00 hours on 19th September, 2012 and 20:00 hours on 26th September, 2012 within seven days. It was noted that Mrs Sekhon had not responded to this request.

Following further investigation, it was identified that Mr K Singh was a relative of Mrs Sekhon and Mr C Singh and was present in this country on a Visa, which prohibited him from working in the country. Mr K Singh was then issued with a Fixed Penalty Notice.

A full list of proposed additional conditions which had been suggested by Trading Standings had been circulated to all parties prior to the meeting.

Mr Wintrip informed the Sub-Committee that since the writing of the report, Mrs Sekhon had submitted the CCTV footage requested to her by Officers at the time of the sale, however the footage had been downloaded in a format which could not be viewed.

PC Taylor stated that he understood that the Fixed Penalty Notice issued to Mr K Singh had not been paid, and requested that the Sub-Committee attach the conditions as suggested by West Midlands Police which had been circulated to all parties prior to the meeting.

Arising from comments made, Mr C Singh informed the Sub-Committee that Mr K Singh had paid the Fixed Penalty Notice issued.

In responding to a question by Mr Burke, Mr King stated that Mrs Sekhon and Mr C Singh returned to the premises between fifteen and twenty minutes following the sale on 26th September, 2012.

Mr Burke then presented his case on behalf of Mrs Sekhon and Mr Singh, and in doing so informed the Sub-Committee that his clients had operated the premises since December, 2010, and that prior to the sale made there had been no issues or concerns. He further stated that following Mrs Sekhon's return from Canada in September, 2012, Mr C Singh had now been confirmed as the Designated Premises Supervisor.

Mr Burke stated that at the time of the sale of alcohol on 26th September, 2012, Mr K Singh had been helping at the premises as a family member for one hour whilst Mrs Sekhon and Mr Singh collected their nephew, and that his clients had accepted that failings had been made and accepted the representations submitted by Public Health.

Mr Burke then referred to the suggested conditions submitted by Trading Standards and West Midlands Police, and confirmed that his clients accepted all conditions and suggested that two additional conditions be attached to the licence.

- (1) That there be a written record of authorisation of members of staff who sell alcohol.
- (2) That all members of staff to be trained to download CCTV data on request by any responsible authority.

Mr Burke further stated that he had explained to Mr Singh the importance of training all members of staff who were authorised to sell alcohol, and that those members of staff should be included in the record of authorisation.

Arising from comments made in relation to a condition requested by Trading Standards in respect of the Designated Premises Supervisor obtaining the Level Two Award for Designated Premises Supervisor, it was agreed by all parties that Mr Singh be requested to undertake his Level Three Award.

In responding to a question by a member, Mr Singh stated that the premises was a family run business, and that the main reason why the licence had been expanded to sell alcohol for twenty-four hours was following a period when sales had decreased. He also confirmed that he currently worked seventeen – eighteen hours a day, and employed two members of staff on a part time basis.

Mr Singh further stated that he had accepted that failings had been made resulting in a sale of alcohol to a child on 26th September, 2012, and since he had become the Designated Premises Supervisor he monitored the refusals register on a daily basis.

Further to comments made in regard to the refusals register not being located following the sale on 26th September, 2012, Mr Singh stated that he was aware of the location of the refusals register but could not retrieve it due to the stress caused to him following the sale. He also stated that he believed that a test purchase exercise had been previously carried out at the premises.

In responding to a question by a member, Mr Singh confirmed that all employees had received training in respect of Age Restricted Products, and were all Personal Licence Holders, and that he had learnt from the mistake made.

Following the reading of the conditions submitted to the Sub-Committee by Trading Standards, Mr Singh confirmed that he was agreeable to the conditions suggested.

Following a discussion in regard to Mr Singh's intention to install an updated CCTV system in order to retain footage for thirty days, it was agreed by all parties that Mr Singh would contact a technician, within seven days, to identify if his current CCTV system, which stored data for seven days, could be amended to allow retention of footage for thirty days.

Following comments made by Mr Singh in regard to previous test purchase exercises, it was confirmed by Mr King that test purchasing exercises had not been carried out at the premises prior to the visit on 26th September, 2012.

PC Taylor made reference to the condition in relation to CCTV in particular that the images were to be recorded and kept for a minimum of 28 days and made available upon request within 24 hours. He requested that the condition be amended to state that the recordings be made available immediately, and consideration be given to his suggested conditions submitted in regard to CCTV.

In summing up, Mr Burke on behalf of Mr Singh and Mrs Sekhon stated that his clients understood that failings had been made resulting in a sale of alcohol to a child on 4th May, 2012, and that he was confident that the incident would not occur again.

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

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

RESOLVED

That, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of Premier, 138 – 142 High Street, Brierley Hill : -

- (1) A written Proof of Age Policy is to be put in force, which all staff authorised to sell alcohol will be trained in and adhere to. Valid proof of identification will include passport, photographic driving licence or a Proof of Age Standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.
- (2) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
- (3) A Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall check the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of all responsible authorities.
- (4a) CCTV to be in place within 7 days of today's Sub-Committee at the premises to the specifications of the West Midlands Police – Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 30 days and made available to any responsible authority upon request immediately.
- (4b) The CCTV must be maintained in full working order, be in operation at all times at which the premises is open and all staff are to be fully trained how to operate the CCTV and how to download images.

- (5) The premises' CCTV shall be reviewed on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (6) No supply of alcohol may be made under the premises licence at a time when the Designated Premises Supervisor does not hold the Level 3 Award for Designated Premises Supervisor. Proof of qualification shall be provided to all responsible authorities.
- (7) All persons engaged to sell alcohol will have completed a training programme which includes a written test to verify the competency of that person prior to them being authorised to sell alcohol.
- (8) The premises licence holder shall ensure that monthly reviews are conducted with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy.
- (9) A file shall be maintained at the premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 8. This file shall be available for inspection by an officer of any responsible authority.
- (10) Full details of all staff to include full name and address, date of birth, photograph, proof of identification (passport) to be held in a register at the premises and by the premises licence holder.

REASON FOR DECISION

The Sub-Committee has heard evidence from both the police and trading standards, and also evidence from Mr Charandeep Singh, the Premises Licence Holder and Designated Premises Supervisor.

Mr Singh has expressed his remorse for the fact that the premises failed a test purchase on 26th September, 2012, and has agreed for the conditions proposed by the police and trading standards to be attached to his premises licence.

The Sub-Committee is concerned about the circumstances of the failed test purchase but accepts the apology of Mr Singh, and finds that the conditions agreed are appropriate to uphold the licensing objectives in this case. The Sub-Committee therefore attaches the above conditions to the premises licence.

46. APPLICATION TO VARY A PREMISES LICENCE – WIDDER'S (FORMERLY KNOWN AS THE CROWN), 12 BARRACK LANE, HALESOWEN

A report of the Director of Corporate Resources was submitted to consider the application for variation of the premises licence in respect of the premises known as the Widder's (Formerly known as the Crown) 12 Barrack Lane, Halesowen.

Mr S Truman (Manager) was in attendance at the meeting, together with Ms V Jarrett, Operations Manager, and Ms C Finn, both from Richmond Hill Brewery.

Also in attendance and objecting to the application were Councillor G Partridge (Ward Member), Ms L Deacon (Resident), Mr T Groves (Resident), together with two local residents.

Also in attendance and making representations was Ms D Nellany on behalf of Food and Occupational Safety, Directorate of the Urban Environment.

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

Ms Nellany then made her representations on behalf of Food and Occupational Safety, and in doing so informed the Sub-Committee that the grounds for her representations was based on the prevention of public nuisance.

She further stated that the premises were located in a residential area and in close proximity to housing, the nearest being immediately adjacent to the premises. She stated that concerns were raised in regard to the request to remove condition two, which stated that the beer garden should not be used after 20.30 hours, seven days per week, which had been attached to the licence by a previous Sub-Committee in 2005, following a number of objections to an application for a premises licence.

She then referred to nine noise complaints received between April 2011 and September 2012 from three different complainants in relation to the premises. It was noted that four complaints were specifically alleging noise from customers using the rear beer garden.

It was noted that the Council's Antisocial Behaviour Unit were requested in September, 2011 by environmental health to undertake monitoring upon request out of normal office hours; however there have been no recent requests for noise monitoring since the referral.

Ms Nellany raised concerns that should the application be granted and the condition removed, the beer garden could potentially be utilised until the proposed closing time of 03.30 hours on Friday and Saturday nights, even though the licensing hours ended at midnight.

She further requested that the Sub-Committee give consideration to retaining the existing hours of the beer garden until 20.30 hours.

In response to a question raised by a Member, Ms Nellany confirmed that a complaint received for noise nuisance on 19th April, 2011 had been after 20.30 hrs, however the other complaints did not record the time of the nuisance. Mr Truman also responded by stating that he had spoken to a resident who lived in a property that adjoined the beer garden, who did not have any objections, and that he had called environmental health on a number of occasions when he considered the noise may have caused problems to local residents.

In response to Ms Nellany's representations, Mr Truman commented that the noise nuisance did not always originate from the premises.

Ms Deacon, a local resident, then presented her representations and in doing so informed the Sub-Committee that she had lived at the property immediately next door to the premises for the past twelve months, however she was aware that there had been problems following conversations with previous tenants.

She stated that during the period from April to September, the level of noise coming from the beer garden had progressively increased, in particular the use of abusive language and smoking by patrons, which could be detected in her house. She informed the Sub-Committee that the notices displayed requesting patrons to respect the local residents were not adhered to by the patrons nor enforced by the manager.

In response to Ms Deacon's representations, Ms Jarrett stated that the first section of the garden was to allow patrons to smoke, and that should patrons wish to smoke after 20.30 hours then the option to enter the beer garden would be more appropriate than smoking at the front of the premises, which was the current practice.

Councillor Partridge, on behalf of her constituents, then presented her representations and in doing so informed the Sub-Committee that she had received a number of concerns since 2006 in respect of the premises in relation to noise, swearing and general disturbances.

She stated that she had discussed a number of concerns with the resident who had previously lived at Ms Deacon's property, but that the resident would not formally submit any logs that she had prepared. She further requested that the Sub-Committee reject the application and give consideration to the local residents who had been affected by the noise nuisance.

In response to Councillor Partridge's representation, Ms Finn stated that Richmond Hill Brewery had taken over the premises in 2010, and would therefore be unable to address any complaints that had been made between 2006 and 2010.

Mr Groves, a local resident, raised concerns of the level of noise from the premises, in particular of the abusive language that could be heard from inside his property the previous weekend between the hours of 12.30 pm and 8.45 pm.

Mr Truman then presented his case and in doing so circulated a number of photographs to the Sub-Committee identifying the smoking shelter and notices requesting patrons to respect local residents. He further stated that he had a good working relationship with West Midlands Police, and had on many occasions contacted the Council in relation to noise nuisance.

It was noted the premises had been closed for a period of seven months in 2010, during which a news article had been printed in the Halesowen News complaining about the level of noise nuisance in the area. Mr Truman stated that the article had been written during the closure of the premises, and that it was evident that the premises was not always the cause of the nuisance.

In response to concerns raised in regard to the hours in which the beer garden would be open, Ms Jarrett informed the Sub-Committee that they were happy for the beer garden to remain open until 23:00 hours, and that a gate could be erected to 'fence off' the area. She also stated that the area would be a smoking area rather than a beer garden.

In response to comments made by Ms Deacon in relation to the level of noise that could be heard from her property, Mr Truman stated that there were toilets at the back of the property where patrons would congregate, and that there had not been any entertainment at the premises since April 2011.

Following concerns raised in regard to whether the existing smoking shelter complied with statutory regulations, Ms Nellany confirmed that upon looking at the photographs submitted, she believed that the shelter did meet the necessary requirements.

Further to comments made by Ms Jarrett in relation to the beer garden being utilised as a smoking area only, Ms Nellany raised a question in relation to how Mr Truman would monitor patrons bringing alcohol to the smoking area after 8.30 pm. Mr Truman responded by stating that he would occasionally visit the shelter and request that drinks be consumed inside the premises, and that he could install CCTV to monitor the area. He also stated that should any patrons be noisy, he would ask them to stop and if they failed to do so he would ask them to leave the premises.

In responding to a question by the Legal Advisor, Ms Jarrett confirmed that they were happy for the beer garden to remain open until 23:00 hours.

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

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

RESOLVED

That the application for variation of the premises licence in respect of the premises known as the Widder's (Formerly known as the Crown, 12 Barrack Lane, Halesowen be refused.

REASON FOR DECISION

The Sub-Committee has heard considerable evidence from the management of the Widder's Public House, and Richmond Brewery, from and on behalf of residents and environmental services. It is clear that the Brewery wants to run its business, and that noise (some of which comes from the premises) disturbs local residents. It is probable that some noise from the premises does come from within the building through an open door, but the Sub-Committee is satisfied from the evidence of local residents that some noise, after 8.30 pm, does come from customers in the area of the premises beer garden / smoking area. The evidence of environmental services confirms that between April 2011 and September 2012 there have been four complaints about noise from the beer garden, from 2 complainants, and one of which was definitely after 8.30 pm. The times of the other complaints were not recorded.

The application is to alter the condition on the premises licence to extend the time during which the garden / smoking shelter area is open from 8.30 pm until 11.00 pm seven days a week.

In the light of the number of complaints received by local residents, which the Sub-Committee is satisfied came from the garden / smoking shelter area of the premises, the Sub-Committee concludes that the current restriction of 8.30 pm is an appropriate one, which balances the needs of the business with the avoidance of public nuisance, specifically to local residents. The application for variation is therefore refused. However, if the new brewery is keen, as it has stated today, to work with its local community, it might be that a future application for variation might be received more favourably by local residents.

The Applicant does have a right of appeal to the Magistrates Court.

At this juncture, the meeting adjourned until 2.00pm, and Councillor Blood withdrew from the meeting. Councillor Cowell then entered the meeting.

47. APPLICATION FOR A PREMISES LICENCE – S AND F NEWS AND FOOD, 51 MOUNT PLEASANT, KINGSWINFORD

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of S and F News and Food, 51 Mount Pleasant, Kingswinford.

Mr S Asif, Applicant, was in attendance at the meeting together with his Solicitor, Mr P Burke, Mr M Jamil and Mrs Harveen.

Also in attendance and objecting to the application were Mr Lewis and Mr Maybury, local residents, together with two members of the public.

At this juncture, the Chair stated that in regard to the hearing today, the Sub-Committee must consider the four licensing objectives, and asked that all representations made by the objectors must be in reference to the licensing objectives.

Following introductions, Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Arising from the presentation of the content of the report submitted, the Licensing Officer stated that the objectors had not received a copy of a petition in support of the application, that had been submitted prior to the meeting, in accordance with the Data Protection Act.

At this juncture, the Chair informed the Sub-Committee that representations had not been received from any relevant bodies such as West Midlands Police or Public Health.

Mr Lewis then presented his representations and in doing so informed the Sub-Committee of the number of crimes in the area, in particular that from August 2012 to September 2012, there had been fifty-two reported cases of anti social behaviour, and that there were sufficient evidence to link alcohol and anti social behaviour.

It was noted that there were ten premises within a one-mile radius that sold age restricted products.

At this juncture, the Legal Advisor stated that any representations made should be directly linked to the premises, S and F News and Food.

Mr Lewis referred to the licensing objective, namely, the prevention of children from harm, and stated that by allowing the premises to sell alcohol, young children would be exposed to alcohol on display, and that he anticipated an increase in people attending hospital following alcohol abuse.

In response to comments made in regard to monitoring the premises, the Licensing Officer informed the Sub-Committee that test purchasing exercises were undertaken by officers at premises that sold age registered products.

Mr Burke then presented the case on behalf of Mr Asif, and in doing so informed the Sub-Committee that the applicant had operated the premises for the past three years and that he had a good relationship with local residents, and that a number of local residents had made requests for alcohol to be available at the premises.

It was noted that a petition of support to the application had been submitted prior to the meeting.

In responding to comments made by Mr Lewis in regard to exposing alcohol to young children, Mr Burke stated that alcohol was also displayed at supermarkets, and that the issue was not alcohol related but parental control.

He also stated that the representations made were supposition and not directly linked to the premises.

Mr Burke further stated that Mr Asif's intention was not to operate an off-licence but to provide local residents with the ability to purchase additional products from a family run business.

It was further noted that Mr Asif lived above the property, and had registered to undertake the Personal Licence course on 5th December, 2012.

In response to a question by a member, it was confirmed that the Designated Premises Supervisor would be Mr Asif, and that his wife would be employed at the premises. Mr Burke stated that it had been agreed that Mrs Harveen and Mr Jamil, who were experienced Designated Premises Supervisors, would be available to work at the premises to support Mr Asif. Mr Jamil further confirmed that all members of staff had already been trained as they were currently working in a premises that sold age restricted products.

In response to a question by a member, Mr Burke confirmed that CCTV could be installed immediately according to West Midlands Police standards and that all members of staff would be trained to download the footage upon request. He further confirmed that the alcohol would be positioned at the rear of the premises.

In summing up, Mr Burke on behalf of his clients stated that the premises was an experienced family run business and that should the application be successful it would benefit the community.

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

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

RESOLVED

That the application for the grant of a premises licence in respect of S and F News and Food, 51 Mount Pleasant, Kingswinford be approved, in the following terms :-

Sale of Alcohol

Monday – Sunday inc 06.00 – 20.00

REASON FOR DECISION

The Sub-Committee has heard the application for a premises licence in respect of S and F News and Food. The application has been made on the basis that it is not an alteration to the terms of the business, but will offer a range of alcohol to customers and local residents in response to their request, during the current trading hours.

There have been no representations from the police, trading standards or public health. Two local residents attended to make oral representations against the granting of a premises licence. Their concerns were primarily based upon national data, and the links in research between alcohol consumption and crime, anti social behaviour and risk to young persons. The Sub-Committee heard no evidence that S and F News and Food had sold alcohol in a manner which had caused or contributed to the breach of one or more of the licensing objectives. Some data was put forward about incidents of anti social behaviour in the area for August and September 2012 (apparently from the police). However, there was no link established between these incidents of anti social behaviour and the premises before the Sub-Committee. Further, the argument was put forward that the sale of alcohol in a shop that also sold sweets for children was a breach of the licensing objective to protect children from harm. Once again, there was no evidence put before the Sub-Committee that the premises had or would, directly breach this licensing objective.

Therefore, whilst there are undoubted local concerns about the granting of a premises licence to this shop, the Sub-Committee finds no grounds to refuse this application and therefore grants it, with the standard conditions. However, with the agreement of the applicant, it will be a condition that CCTV will be installed to a specification agreed by West Midlands Police, all staff will be trained to be able to download images immediately upon a request of an officer of a Responsible Authority and it will operate at all times during which the premises are open to trade.

There is a right of appeal from this decision to the Magistrates Court.

The meeting ended at 3.25 pm

CHAIR

LICENSING SUB-COMMITTEE 2

Tuesday 27th November, 2012 at 10.10 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Cowell (Chair)
Councillors Mrs Ameson and Russell

Officers

Mr R Clark (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor (Directorate of Corporate Resources)

14 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

15 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 18th September, 2012, be approved as a correct record and signed.

16 APPLICATION FOR VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT – STAG AND THREE HORSESHOES, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the variation of a Licensed Premises Gaming Machine permit for three category C machines and one category D machine in respect of the Stag and Three Horseshoes, Halesowen.

Mr D Taylor, Applicant, was in attendance at the meeting together with a member of the press.

Following introductions, Mrs J Elliott, Licensing Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Clarification was sought with regard to the current siting of the machines, and the proposed locations for the machines requested. Mr Taylor identified the locations on a map displayed to the Sub-Committee and stated that all machines were visible from the bar area.

Following a brief discussion it was

RESOLVED

That the application received from Poppleston Allen, for the variation of a Licensing Premises Gaming Machine permit for three category C machines and one category D machine in respect of the Stag and Three Horseshoes be approved on the grounds that the Sub-Committee were satisfied with the positioning of the four machines.

17 APPLICATION FOR RENEWAL AND VARIATION OF THE CONSENT TO ENGAGE IN STREET TRADING – BESCOTT PROMOTIONS – HALESOWEN FARMERS AND CRAFT MARKET

A report of the Director of Corporate Resources was submitted on an application received from Mr S Evans on behalf of Bescott Promotions for the renewal and variation of the consent to engage in street trading in Halesowen Town Centre, issued to the Halesowen Farmers and Craft Market.

Mr Evans together with his son Mr S Evans, both Bescott Promotions, were in attendance at the meeting.

Also in attendance and objecting to the application were Councillor K Turner, Mr S Fitzpatrick (Chamber of Trade), Ms E O'Connor (Vale Retail) and a member of the press.

Following introductions, the Licensing Officer presented the report on behalf of the Council, and in doing so listed the nature of items sold by market traders.

Mr Fitzpatrick then made his representation and in doing so stated that should the variation be granted to allow the market to trade in the week leading up to Christmas, this would be taking trade from retailers within the town that was already experiencing difficulties during the current economic climate.

Mr Fitzpatrick further commented that when the market was operational on every second, fourth and fifth Saturday of the month, it did not increase trade and did not benefit existing retailers.

Concerns were raised regarding the obstructions caused by the market to shop frontages between the Cornbow Centre and Peckingham Street.

Reference was made to a previous Licensing Sub-Committee on 11th October, 2011 where the Sub-Committee agreed that the consent be varied to allow an extra ten stalls, to a maximum of thirty-five stalls in total that may be of general format. Mr Fitzpatrick stated that concerns were raised in respect of the large number of stalls that were currently being used, and identified that one stall measured 32ft in total.

Councillor K Turner then presented his objections to the application and in doing so informed the Sub-Committee that he had been approached by retailers in Peckingham Street, due to the detrimental effect the market had caused to their business.

Councillor Turner then made reference to Mr Fitzpatrick's comments in respect of the size of the stalls, and raised concerns that some stalls were measuring 32ft, but classed as one stall. He stated that he had no objection to the proposal to dress the stalls with a Christmas theme, however should the market be granted to trade between 18th December and Saturday 22nd December, 2012, it could have a damaging effect on existing traders.

In responding to comments made in respect of the size of the stalls, Mr Evans stated that there were thirty-five stalls in total, with each stall measuring 8ft, and that should market stall traders arrange additional furniture then the matter would be addressed. He also stated that the market had been at Halesowen for ten years, in particular that it had been in the current format for a couple of years, and that he had not personally received any objections from traders.

Mr Evans then submitted letters from a number of retailers including Warwick Butchers, who stated that their business had not suffered a loss on the days when the market operated, but did comment that the stalls did block the shop frontage. Mr Evans informed the Sub-Committee that he had intended to decrease the size of the stalls to 5ft in January, 2013 in the area by the butchers to allow members of the public to walk along the pathway.

In responding to a question by Councillor Turner, Mr Evans confirmed that the size of the stalls was 8ft by 8ft, with a counter size of 8ft by 4ft.

Ms O'Connor then made her representation and informed the Sub-Committee that she had concerns over the viability of existing businesses and that the market had obliterated trade on Saturdays, when the market was in operation.

In responding to Ms O'Connor's representations, Mr Evans stated that he had not received any objections from the traders, and that should any concerns be raised to him, he would be willing to discuss further in order to resolve any issues.

In responding to Mr Fitzpatrick's comments in respect of the consequences should the market trade between 18th December and Saturday 22nd December, 2012, Mr Evans stated that a number of other Town Centres such as Wolverhampton, Oldbury and Merry Hill had operated a successful market on the dates requested.

Councillor Turner suggested that Mr Evans arrange to meet with the traders who had approached Councillor Turner to discuss their concerns.

In responding to a question by a member following comments made in respect of businesses suffering a loss, Ms O'Connor stated that she could identify trends of patterns of customers, and that it was apparent that trade did not increase when the market was in operation.

Mr Fitzpatrick further stated that in his opinion the market did not attract additional customers.

In responding to a question by a member, the Licensing Officer informed the Sub-Committee that the market had initially operated as a Farmers Market, and in 2006 the previous owners, LSD Promotions, were granted a variation of licence in order to sell general items. Ms O'Connor stated that the Farmers Market was welcomed by shop-owners, but following a number of variations of licence it had since evolved into a general market.

In responding to a question by the Legal Advisor, Ms O'Connor confirmed that her evidence presented had been in respect of the Cornbow Centre, and that Halesowen had received four to six thousand visitors on a Saturday, and that the figures did not vary whether the market was operational or not.

In responding to a question by the Legal Advisor following the submission of letters from retailers such as Warwick Butchers, Mr Fitzpatrick stated that he had spoken to a previous manager of the butchers who had stated that the market had affected business.

In summing up, Mr Fitzpatrick stated that he strongly opposed the application to trade in the week before Christmas; due to the damaging affect it would have on existing traders.

In summing up, Councillor K Turner asked that the Sub-Committee consider the representations made on behalf of traders.

In summing up, Mr Evans stated that he considered that by extending the market to trade in the week leading up to Christmas, it would benefit the town centre.

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

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

RESOLVED

That the application for the renewal of the consent to engage in street trading in Halesowen Town Centre, issued to Halesowen Farmers and Craft Market be approved together with the following variation:-

- (1) The Halesowen Farmers and Craft Market to trade on Friday 21st December, 2012 and Saturday 22nd December, 2012.

Reasons for Decision

The Sub-Committee are happy to renew the consent to engage in street trading in Halesowen Town Centre for the next twelve months.

In regard to the Christmas extension, the Sub-Committee have heard evidence from both parties.

The Sub-Committee are aware of the need to balance the interests of market traders, the shops and shoppers, therefore the Sub-Committee are happy to allow trading on Friday 21st December, 2012 and Saturday 22nd December, 2012.

Both parties have said that they are happy with the definition of a stall size of 8ft by 8ft with a counter size of 8ft by 4ft.

Bescott Promotions have also agreed to reduce the stall size to 5 ft wide between the Cornbow Centre and Peckingham Street.

The meeting ended at 11.40 am

CHAIR

LICENSING SUB-COMMITTEE 3

Tuesday 15th January, 2013 at 10.10 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor K Finch (Chair)
Councillors Mrs. Aston and James

Officers

Mr R Clark (Legal Advisor), Mrs L Rouse (Licensing Clerk) and Mrs K Taylor (Directorate of Corporate Resources).

Also in attendance

Miss L Mason (observer).

22. DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct.

23. MINUTES

RESOLVED

That, the minutes of the meeting held on 30th October 2012, be approved as a correct record and signed.

24. APPLICATION FOR RENEWAL AND VARIATION OF STREET TRADING CONSENT – MR F A SMITH

A report of the Director of Corporate Resources was submitted on an application made by Mr F A Smith for the renewal and variation of his street trading consent to sell hot dogs, burgers, fried, bacon, sausage, eggs, tomatoes, beans, mushrooms, hot and cold drinks and ice cream in Market Place, Dudley; Birmingham Street, Dudley; Upper High Street, Dudley; and Junction of Foster Street/High Street, Stourbridge.

Mr M Smith, on behalf of Mr F A Smith, was in attendance at the meeting.

Following introductions, Mrs L Rouse, Licensing Clerk, Directorate of Corporate Resources, presented the report on behalf of the Council.

Mr Smith then presented his representations, and in doing so informed the Sub-Committee that he did not envisage any obstruction to pedestrians by a nearby crossing by the new proposed site, as referred to by Mr Radford, Technician Engineer, Directorate of the Urban Environment, in his representations submitted to the Sub-Committee prior to the meeting.

It was further noted that Mr Smith stated that he intended to change the products sold such as hot dogs and burgers to jacket potatoes.

In responding to comments made, Mr Smith stated that he believed that the new location at Birmingham Street, Dudley would benefit those who worked and visited the town centre.

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

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

RESOLVED

That the application for the renewal and variation of his street trading consent in Market Place, Dudley; Birmingham Street, Dudley; Upper High Street, Dudley and Junction of Foster Street / High Street, Stourbridge, be approved.

REASON FOR DECISION

The Sub-Committee has considered the application by Mr F A Smith (presented by Mark Smith) for renewal of street trading consents in three locations and a variation of site in Birmingham Street, Dudley.

The Sub-Committee has considered the point raised by Mr Radford of the Directorate of the Urban Environment regarding the proximity of the new proposed site to a crossing, but is satisfied that this will not cause any obstruction to pedestrians. The Sub-Committee notes and approves the change of food from burgers and hot dogs to potatoes. Mr Smith must always keep the area around his van free from all obstructions.

25. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE –
BRITISH FORCES FOUNDATION (MIDLANDS TEXTILES LIMITED)

A report of the Director of Corporate Resources was submitted to consider an application for the grant of a House to House Collections Licence in respect of Midlands Textiles Limited on behalf of the charity known as British Forces Foundation.

It was noted that the applicant was not in attendance at the meeting.

Having decided to hear the matter in the applicant's absence, there followed a discussion in respect of the accounts submitted to the Sub-Committee by the applicant.

Following a brief discussion it was

RESOLVED

That, the grant of a House to House Collections Licence in respect of British Forces Foundation be deferred to a future meeting of the Sub-Committee when the applicant shall attend the meeting and prior to that meeting supply the information contained in Section 2 (f) of the House to House Collections Act, 1939

26

APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – A SMILE FOR A CHILD (FOX RECYCLING LTD)

A report of the Director of Corporate Resources was submitted to consider an application for the grant of a House to House Collections Licence in respect of Fox Recycling Limited on behalf of the charity known as A Smile for a Child.

It was noted that the applicant was not in attendance at the meeting.

Having decided to hear the matter in the applicant's absence, the Licensing Clerk presented the report on behalf of the Council.

Following a brief discussion it was

RESOLVED

That, following careful consideration of the application, the grant of a House to House Collections Licence in respect of Fox Recycling Limited be approved.

The meeting ended at 11.00am

CHAIR

LICENSING SUB-COMMITTEE 4

Tuesday 22nd January, 2013 at 10.15 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Roberts (Chair)
Councillors Perks and Taylor

Officers: -

Mr R Clark (Legal Advisor), Mrs L Rouse (Licensing Clerk), Mrs K Taylor and Miss L Mason (Observer) – All Directorate of Corporate Resources.

34 DECLARATIONS OF INTEREST

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

35 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 6th November, 2012, be approved as a correct record and signed.

36 APPLICATION FOR REVIEW OF PREMISES LICENCE – SELECT AND SAVE, WOODS LANE, QUARRY BANK

A report of the Director of the Corporate Resources was submitted on an application for the review of the premises licence in respect of Select and Save, Woods Lane, Quarry Bank.

Mr S Logeswaran, Designated Premises Supervisor was in attendance at the meeting, together with his representative, Mr D Carr.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mrs L Ingram, Enforcement Officer, both from the Directorate of the Urban Environment, PC A Taylor from West Midlands Police and a member of the press.

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

Mr King presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the serious undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm due to the poor management of the premises with respect to the sale of alcohol to children.

Mr King informed the Sub-Committee that on 26th October, 2012, a fifteen year old child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives.

It was noted that a test purchase exercise had been undertaken at the premises on 12th February, 2007, resulting in alcohol being sold to children. On that occasion, Mr Logeswaran stated that he was the owner of the premises but not the designated premises supervisor; therefore Mr Logeswaran was issued with a warning letter.

It was further noted that test purchase exercises had also been carried out in August, 2011, December 2011 and March 2012, which all resulted in a refusal of sale.

Mr King further stated that on 26th October, 2012, Trading Standards together with West Midlands Police, carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a fifteen year old male test purchaser volunteer purchased a bottle of WKD Blue Vodka with 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been a Ms J Williams. When questioned Ms Williams stated that it was her first day back, from a six-month absence, and that her „eyes were not too good’, she was then issued with a Fixed Penalty Notice.

On inspection of the premises, it was noted that the Refusals Register had been used and “Challenge 25” and proxy sales posters were displayed at the premises.

Mr King informed the Sub-Committee that the Fixed Penalty Notice issued to Ms Williams had not been paid.

It was further noted that on 26th October, 2012, Trading Standards carried out nine test purchasing exercises together with the same volunteer, and that the premises were the only one which had resulted in a sale of alcohol.

A full list of proposed additional conditions, which had been suggested by Trading Standards, had been circulated to all parties prior to the meeting.

PC Taylor then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had carried out regular patrols in the vicinity and had not received any feedback from the public or local businesses to indicate any problems with the premises such as anti-social behaviour or incidents of crime.

Mr Carr then presented the case on behalf of Mr Logeswaran, and in doing so stated that Mr Logeswaran and his members of staff actively promoted the licensing objectives, and that there had been a number of successful test purchase exercises carried out at the premises.

Mr Carr further stated that Ms Williams had received minimal training, and that she was no longer employed at the premises.

It was noted that Mr Logeswaran had recently undertaken a Level Three Designated Premises Supervisors course, and that a member of his staff had successfully completed the Level Two Award. Mr Carr informed the Sub-Committee that it was the intention of Mr Logeswaran to provide training to ensure that all members of staff completed a level one award.

Mr Carr then presented a document to the Sub-Committee outlining the training that had been given to employees.

In responding to a question by Mr King in relation to Mr Logeswaran not being contactable away from the premises, Mr Logeswaran stated that he would be agreeable to allow his contact details to be displayed at the premises to ensure that he was contactable at all times.

In responding to a question by a member, Mr Carr stated that the training provided to members of staff was undertaken via an interactive online course or an instructor led course which were carried out by various teachers in different languages.

Mr Logeswaran also informed the Sub-Committee that when an age restricted product had been scanned in to the register, a reminder message was displayed to prompt the member of staff to ask for identification.

Reference was made to the proposed additional conditions that had been submitted by Trading Standards and West Midlands Police, where Mr Carr confirmed that Mr Logeswaran was in agreement with the proposals, however he did consider that the condition requesting Mr Logeswaran to undertake monthly training reviews were too rigorous and asked for them to be extended to a six monthly period.

Reference was made to the condition that requested that a file be maintained at the premises for each person authorised to sell alcohol; Mr Carr confirmed that his colleague, a Ms J Taylor, was currently preparing all the necessary paperwork to ensure that Mr Logeswaran correctly adhered to all the conditions should they be attached to the licence. He further stated that Mr Logeswaran understood the consequences should he breach any condition of his licence.

In responding to a question by the Legal Advisor, Mr Carr informed the Sub-Committee that Ms Williams had been an employee for a period of twelve months on a part time basis, and that she had received verbal training by Mr Logeswaran, and on her return following a six month leave of absence, she did not receive any refresher training.

Mr Carr assured the Sub-Committee that the incident would not occur again, and any future test purchasing exercises would result in a refusal of sale.

Reference was made to Mr Carr's statement requesting that monthly training reviews be extended to a longer period of time; Mr King requested that the condition remain at monthly reviews in view of any staff changes that may occur in the future.

Reference was made to the training document submitted to the Sub-Committee, Mr King stated that there appeared to be a lot of emphasis on areas such as fake identification badges, and advised that if the seller had any doubts in respect of the identification presented, then to refuse the sale.

In responding to a question by the Chair, all parties confirmed that they had a fair hearing.

Following all comments, the Legal Advisor stated that the Sub-Committee would determine the application made on the information submitted and comments made at the meeting by all parties, and that any decision made must be reasonable and proportionate.

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

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

RESOLVED

That, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of Select and Save, Woods Lane, Quarry Bank : -

Conditions

- (1) A written Proof of Age Policy is to be put in force, which all staff authorised to sell alcohol will be trained in and adhere to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.
- (2) A Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall check the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of any responsible authority.
- (3) CCTV to be in place at the premises to the specifications of the West Midlands Police – Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made immediately available to any responsible authority upon request.
- (4) The Premises' CCTV shall be reviewed on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (5) CCTV to be recording at all times the premises are open for any licensable activity and the Hard Drive to be locked but readily accessible to staff (i.e. not in a roof space). All staff to be fully trained and able to operate and download CCTV.
- (6) No supply of alcohol may be made under the premises licence at a time when the Designated Premises Supervisor does not hold the Level 2 Award for Designated Premises Supervisors. Proof of qualification shall be provided to the Police and/or officer of any responsible authority.
- (7) All persons engaged to sell alcohol will have completed a training programme – to a minimum of level one, which includes a written test to verify the competency of that person prior to them being authorised to sell alcohol. A record of this training will be recorded in writing.

- (8) The premises licence holder shall ensure that monthly reviews are conducted with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy. These monthly reviews will be recorded in writing.
- (9) A file shall be maintained at the premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 8. This file shall be made available for inspection by any officer from a responsible authority upon request.
- (10) A Challenge 25 Policy shall be strictly adhered to.

REASONS FOR DECISION

The Sub-Committee has heard an application for a review of the premises licence for Select and Save. The review has been brought on the basis of the sale of alcohol to an underage male on 26th October, 2012.

The Licence Holder and Designated Premises Supervisor has accepted the conditions proposed by Trading Standards and the Police, and has given evidence that new training for all staff will be put in place, and he has undertaken updated training himself to Designated Premises Supervisors Level Three the previous week. The Sub-Committee is very concerned about the circumstances of this underage sale, but finds that the imposition of the conditions proposed should address the concerns about training for all staff, and finds that the imposition of these conditions is proportionate to the nature of the failed test purchase, and should remedy these concerns.

The conditions have been amended to avoid duplication.

The meeting ended at 11.25 am

CHAIR

TAXIS COMMITTEE

Tuesday, 13th November, 2012 at 5.30 p.m.
In Committee Room 3 at the Council House, Dudley

PRESENT:-

Councillor Body (Chair)
Councillors A. Ahmed (from Minute No. 86), Mrs. Ameson, Mrs. Aston,
Cowell, Harris, Mrs Simms, Taylor and K. Turner.

Officers:-

Solicitor, Licensing Officer and Mrs K Taylor (all Directorate of Corporate Resources)

Also in Attendance

Mrs K Finney, Senior Account Manager (Chief Executive's), in respect of agenda item 5 – Competition for Taxi Base of the Year, Mr T Trickett, Licensing Enforcement Officer (Directorate of Corporate Resources) and Mr D Corbett, Senior Transport Officer (Directorate of Children's Services), in respect of agenda item 8 – Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr MN.

82. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors A Aston and Vickers.

83. APPOINTMENT OF SUBSTITUTE MEMBERS

It was reported that Councillors Harris and Taylor had been appointed as substitute members for Councillors A. Aston and Vickers respectively for this meeting of the Committee only.

84. DECLARATIONS OF INTEREST

There were no declarations of interest from Members, in accordance with the Members' Code of Conduct.

85. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 18th October, 2012, be approved as a correct record and signed.

86. COMPETITION FOR TAXI BASE OF THE YEAR

A report of the Director of Corporate Resources was submitted on the proposed competition for the Taxi Base of the Year and the process for implementation.

Following the presentation of the content of the report submitted, the Licensing Officer informed the Committee that the quote received for fifty posters, which would be issued to all Taxi Bases and displayed in the Licensing Office and Council Receptions, was £68.55p.

It was noted that names and addresses would be required on the nomination forms, and it was suggested that each Taxi Base should be invited to write to the Committee outlining why they should be considered to be Taxi Base of the Year.

Following a brief discussion it was

RESOLVED

That approval be given to the implementation of a competition for Taxi Base of the Year.

87. EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated below and in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Description of Item</u>	<u>Relevant paragraph of Part I of Schedule 12A</u>
Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr MN	1
Review of Hackney Carriage Driver's Licence – Mr ZH	1
Grant of Private Hire Driver's	1

Licence – Mr DS	
Review of Private Hire and Hackney Carriage Drivers' Licences – Mr WU	1
Review of Private Hire Driver's Licence – Mr ZA	1
Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr AK	1
Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr YM	1
Review of Private Hire and Hackney Carriage Drivers' Licences – Mr TSC	1

88. GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR MN

A report of the Director of Corporate Resources was submitted on an application made for the grant of a hackney carriage driver's licence in respect of a Mr MN.

Mr MN, was in attendance at the meeting, together with a representative, Mr Nasar.

During the initial consideration of this matter it was noted that this matter had been considered by the Committee on 18th October, 2012, however it was resolved that the matter be deferred to enable the Licensing Enforcement Team to make further investigations into the allegation highlighted in the report submitted.

The Licensing Officer informed the Committee that Mr MN's Solicitor, Mr Schiller, had submitted a letter notifying the Committee of his non-attendance and requested that the matter be deferred to allow him to represent Mr MN, given the complex nature of the case.

Following consideration of this matter the Committee decided to hear it in the absence of Mr Schiller.

At this juncture, Mr T Trickett, Licensing Enforcement Officer and Mr D Corbett, Senior Transport Officer entered the meeting in view of them being involved with the case.

Mr Trickett and Mr Corbett both confirmed that they were happy with the content of the report submitted to the Committee.

Mr MN responded to questions asked by the Committee, and arising from questions asked, concerns were raised in regard to the complexity of the case and that it was evident that some detailed evidence had not been included in the report submitted.

In view of this, it was

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the application made the grant of private hire and hackney carriage drivers' licences in respect of Mr MN be deferred until January.

89. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR ZH

A report of the Director of Corporate Resources was submitted on a review of the private hire and hackney carriage drivers' licences issued to Mr ZH in the light of the offence committed as indicated in paragraph 18 of the report submitted, and in the light of a complaint received as highlighted in the report submitted.

Mr ZH was in attendance at the meeting.

The Licensing Officer informed the Committee that the complainant, Mr Q was unable to attend the meeting due to him being out of the country on military service, however Mr Q had confirmed that he was happy with the statement he made contained in the report submitted to the Committee.

The Solicitor informed the Committee that Mr ZH's Solicitor, Mr Schiller, had submitted a letter notifying the Committee of his non-attendance and requested that the matter be deferred.

Following a brief discussion it was

RESOLVED

That consideration of the review of the hackney carriage driver's licence issued to Mr ZH be deferred for consideration at the next meeting of the Committee.

90. GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR DS

A report of the Director of Corporate Resources was submitted on an application made for the grant of a private hire driver's licence in respect of a

Mr DS.

Mr DS was in attendance at the meeting.

RESOLVED

That, approval be given to the grant of a private hire driver's licence to Mr DS for a period of twelve months.

91. REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR WU

A report of the Director of Corporate Resources was submitted on a review of the private hire and hackney carriage drivers' licences issued to Mr WU in the light of the offences committed as indicated in paragraph 4 of the report submitted.

Mr WU was in attendance at the meeting, together with his representative, a Mr Wusaif.

Mr Wusaif made representations on behalf of Mr WU commenting on the offences committed on 22nd June, 2012, and responded to questions asked by the Committee. Mr WU informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, Mr WU receive a strong written warning as to his future conduct in light of the offences committed.

92. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR ZA

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr ZA in the light of the offences committed as indicated in paragraph 9 of the report submitted.

Mr ZA was not in attendance at the meeting, and notification of his non-attendance had not been received.

Having decided to hear the matter in the absence of Mr ZA it was

RESOLVED

That, following careful consideration of the information contained in the report submitted, the private hire driver's licence issued to Mr ZA be revoked on the grounds that he had been convicted of a second offence of plying for hire and having no insurance.

93. GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR AK

A report of the Director of Corporate Resources was submitted on an application made for the grant of private hire and hackney carriage drivers' licences in respect of a Mr AK.

Mr AK was in attendance at the meeting together with a supporter, Mr Hussain.

Mr AK made representations commenting on the offences indicated in the content of the report submitted, and responded to questions asked by the Committee.

Mr AK informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, approval be given to the grant of private hire and hackney carriage drivers' licences to Mr AK for a period of three months, and that any future renewals be dealt with by officers under delegated powers, provided that Mr AK had no offences pending at the time of renewal.

94. GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR YM

A report of the Director of Corporate Resources was submitted on an application made for the grant of private hire and hackney carriage drivers' licences in respect of a Mr YM, in the light of Mr YM's failure to pass his local knowledge and law pertaining to private hire and hackney carriage test on three separate occasions.

Mr YM was in attendance at the meeting, together with his representative, Mr Hussain.

During the questioning of Mr YM, concerns were raised in regard to Mr YM's poor English.

Following a brief discussion it was

RESOLVED

That, following consideration of the information contained in the report submitted, and as reported at the meeting, the application for the grant of a private hire and hackney carriage drivers' licences be

deferred to enable Mr YM to take his local knowledge and law pertaining to private hire and hackney carriage test again within four months, and that Mr YM be recommended to undertake a English language course at Dudley College.

95. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES – MR TSC

A report of the Director of Corporate Resources was submitted on a review of the hackney carriage and private hire drivers' licences issued to Mr TSC in the light of offence committed as indicated in paragraph 14 of the report submitted.

Mr TSC was in attendance at the meeting, and responded to questions asked by the Committee in relation the offence committed. He also informed them that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the hackney carriage and private hire drivers' licences issued to Mr TSC be suspended for a period of two months.

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

96 COMMENTS OF THE CHAIR

In view of this being the last meeting of this Committee for the Licensing Officer in view of her forthcoming retirement, the Chair and Committee Members expressed their appreciation for her support and hard work over the years.

The meeting ended at 7.50 p.m.

CHAIR

TAXIS COMMITTEE

Wednesday, 12th December, 2012 at 5.30 p.m.
In Committee Room 3 at the Council House, Dudley

PRESENT:-

Councillor Body (Chair)
Councillors A. Ahmed, Mrs. Ameson, A. Aston, Mrs. Aston, Cowell, K. Turner
and Vickers.

Officers:-

Mr T Holder, Solicitor, Miss N Bangar, Solicitor and Mrs K Taylor (all
Directorate of Corporate Resources)

Also in Attendance

Mr T Richards, Fleet Inspector (Directorate of the Urban Environment) and Mr
S Saleem (Dudley Private Hire Trade), in respect of agenda item 5 – Review
of Private Hire / Hackney Carriage Vehicle Licence Policy.

97. DECLARATIONS OF INTEREST

There were no declarations of interest from Members, in accordance with the
Members' Code of Conduct.

98. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 13th
November, 2012, be approved as a correct record and signed.

99. REVIEW OF PRIVATE HIRE / HACKNEY CARRIAGE VEHICLE LICENCE
POLICY

A report of the Director of Corporate Resources was submitted on a review of
the Council policy in respect of spare wheels carried by private hire and
hackney carriage vehicles.

Arising from the presentation of the report, Mr Richards, Fleet Inspector,
Directorate of the Urban Environment, confirmed that the life expectancy of
space saver tyres was based on the limit of speed and distance.

Mr Saleem, from Dudley Private Hire Trade, stated that the majority of new cars had installed space saver tyres, and that regular spare tyres were too big which would cause difficulties should customers request to store bags in the boot. He further suggested that should a taxi driver continue to drive a vehicle fitted with a space saver tyre, above the recommended limit, then that driver should receive a punishment in view of public safety.

Reference was made to the requirement to use a space saver tyre should a vehicle receive a puncture, and a member suggested that if a private hire and hackney carriage vehicle was driven on emergency or temporary replacement wheels and tyres then the driver was able to continue the journey, but should not accept new bookings.

During consideration of this matter, and following comments raised by Members it was considered that the proposals outlined in appendix 1 of the report submitted, did not clearly identify the conditions that would be attached to the private hire or hackney carriage drivers' licences.

Following further discussion it was

RESOLVED

That consideration of the review of the Council policy in respect of spare wheels carried by private hire and hackney carriage vehicles be deferred until February in order for a clearer definition of the conditions and amendments to the policy to be submitted.

100. EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated below and in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Description of Item</u>	<u>Relevant paragraph of Part I of Schedule 12A</u>
Review of Hackney Carriage Driver's Licence – Mr ZH	1
Review of Hackney Carriage Driver's Licence – Mr ZI	1

Renewal of Private Hire and Hackney Carriage Drivers' Licences – Mr GA	1
Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr SY	1
Grant of Private Hire Driver's Licence – Mr BS	1
Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr RH	1

101. CHANGE IN ORDER OF BUSINESS

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

RESOLVED

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

Agenda Item Nos. 9, 10, 11, 8, 12 and 13.

102. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR ZI

A report of the Director of Corporate Resources was submitted on the review of the hackney carriage driver's licence issued to Mr ZI, in the light of an offence committed as indicated in paragraph 18 of the report submitted.

Mr ZI, was in attendance at the meeting, together with a representative, Mr Nasar.

Mr Nasar made representations on behalf of Mr ZI commenting on the offence indicated in the content of the report submitted.

Mr ZI informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the hackney carriage driver's licence issued to Mr ZI be suspended for a period

of one month in view of him being convicted of using a mobile phone whilst driving.

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

103. RENEWAL OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR GA

A report of the Director of Corporate Resources was submitted on the renewal of the private hire and hackney carriage drivers' licences issued to Mr GA in the light of the information contained in the report submitted.

Mr GA was in attendance at the meeting.

Mr GA informed the Committee that there were no matters pending that they needed to be made aware of.

Following a brief discussion it was

RESOLVED

That following careful consideration of the information contained in the report submitted, and as reported at the meeting, approval be given to the renewal of the private hire and hackney carriage drivers' licences issued to Mr GA for a period of six months.

104. GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR SY

A report of the Director of Corporate Resources was submitted on an application made for the grant of private hire and hackney carriage drivers' licences in respect of Mr SY.

Mr SY was in attendance at the meeting, together with his representative, a Mr Saleem.

Mr SY and Mr Saleem made representations commenting on the offences indicated in the content of the report submitted, and responded to questions asked by the Committee.

During consideration of this matter, concerns were raised in view of Mr SY being convicted of having no insurance on three separate occasions.

Mr SY also informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the application made on behalf of Mr SY for the grant of a private hire and hackney carriage drivers' licences be refused on the grounds of the offences for which he had been convicted.

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

105. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR ZH

A report of the Director of Corporate Resources was submitted on a review of the hackney carriage driver's licence issued to Mr ZH in the light of the offence committed as indicated in paragraph 18 of the report submitted, and in the light of a complaint received as highlighted in the report submitted.

Mr ZH was in attendance at the meeting, together with his Solicitor, Mr Sadiq.

It was noted that the complainant, Mr Q, and his passenger, Ms P, was unable to attend the meeting due to them both being out of the country on military service. In view of this, Mr T Holder, Solicitor, informed the Committee that given the complainants were not in attendance then the matter could not be considered as there were two version of events.

It was further noted that the Committee would consider the matter of the offence committed as indicated in paragraph 18 of the report submitted.

Following the presentation of the report submitted, Mr Saddiq on behalf of his client outlined the circumstances surrounding the offence committed on 20th September, 2012.

Mr Sadiq and Mr ZH responded to questions asked by the Committee, and Mr ZH informed that there were no matters pending that needed to be brought to the attention of the Committee.

RESOLVED

1. That, following careful consideration of the information contained in the report submitted, in respect of the offence committed, the hackney carriage driver's licence issued to Mr ZH be suspended for a period of one month in view of the offence for which he had been convicted.

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

2. That no further action be taken on the review of the hackney carriage driver's licence issued to Mr ZH in respect of the complaint received.

106. GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR BS

A report of the Director of Corporate Resources was submitted on an application for the grant of a private hire driver's licence made on behalf of a Mr BS.

Mr BS was in attendance at the meeting, together with his wife and son.

Mr BS responded to questions asked by the Committee, and informed them that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, approval be given to the grant of a private hire driver's licence to Mr BS for a period of twelve months.

107. GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR RH

A report of the Director of Corporate Resources was submitted on an application made for the grant of private hire and hackney carriage drivers' licences in respect of a Mr RH.

Mr RH was in attendance at the meeting, together with his Solicitor, Mr Sadiq and supporter, Mr Saleem.

Mr Sadiq made representations on behalf of his client commenting on the offences indicated in the content of the report submitted, in particular that Mr RH had spent over £2,000 in court fees to attempt to reinstate his licences.

Mr RH responded to questions asked by the Committee, and in doing so it was noted that Mr RH currently had nine points endorsed on his licence, however these would be further reduced in 2013.

Mr RH informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, approval be given to the grant of a hackney carriage driver's licence only for a period of three months.

108. COMMENTS OF THE CHAIR

The Chair wished all Members of the Committee and Officers a Happy Christmas and a prosperous New Year.

The meeting ended at 7.15 p.m.

CHAIR

TAXIS COMMITTEE

Thursday, 10th January, 2013 at 5.30 p.m.
In Committee Room 3 at the Council House, Dudley

PRESENT:-

Councillor Body (Chair)
Councillor A. Aston (Vice-Chair)
Councillors A. Ahmed, Mrs. Ameson, Mrs. Aston, Cowell (From Minute No. 115), Mrs. Simms, K. Turner and Vickers.

Officers:-

Assistant Director (Law and Governance), Mr T Holder, Solicitor, Mrs K Taylor and Miss L Mason (observer) (all Directorate of Corporate Resources).

109. DECLARATIONS OF INTEREST

Councillor Body declared a non-pecuniary interest, in accordance with the Member's Code of Conduct in respect of Agenda Item no. 9 – Review of Private Hire Driver's Licence – Mr FA, in view of him knowing the complainant.

110. MINUTES

RESOLVED

That, subject to the inclusion of an apology from Councillor Mrs Simms, the minutes of the meeting of the Committee held on 12th December, 2012, be approved as a correct record and signed.

111. EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated below and in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Description of Item</u>	<u>Relevant paragraph of Part I of Schedule 12A</u>
----------------------------	---

Grant of Private Hire and	1
---------------------------	---

Hackney Carriage Drivers'
Licences – Mr MN

Grant of Hackney Carriage
Driver's Licence – Mr QP 1

Review of Private Hire Driver's
Licence – Mr FA 1

Grant of Private Hire and
Hackney Carriage Drivers'
Licences – Mr AS 1

112. GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS'
LICENCES – MR MN

A report of the Director of Corporate Resources was submitted on an application made for the grant of private hire and hackney carriage drivers' licences in respect of a Mr MN.

Mr MN, was in attendance at the meeting, together with his Solicitor, Mr Schiller, and a supporter, Mr Nasar.

It was noted that this matter had been considered by the Committee on two separate occasions, and that it had been resolved that the matter be deferred to enable the Licensing Enforcement Team to make further investigations into the allegation highlighted in the report submitted.

Mr Schiller made representations on behalf of his client in particular requesting that the matter be deferred pending further information that was expected to be received within two to three weeks, in order to enable the Committee to be presented with all the relevant information.

Following a brief discussion it was

RESOLVED

That the application made for the grant of private hire and hackney carriage drivers' licences in respect of Mr MN be deferred pending receipt of further information as raised at the meeting.

113. CHANGE IN ORDER OF BUSINESS

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

RESOLVED

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

114. GRANT OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES – MR AS

A report of the Director of Corporate Resources was submitted on an application made for the grant of hackney carriage and private hire drivers' licences in respect of a Mr AS.

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

Mr AS's representative made representations on behalf of Mr AS, with particular reference to the circumstances surrounding the offence as indicated in paragraph 3 of the report submitted.

Mr AS informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, approval be given to the grant of hackney carriage and private hire drivers' licences to Mr AS for a period of twelve months.

At this juncture Councillor Cowell entered the meeting.

115. GRANT OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR QP

A report of the Director of Corporate Resources was submitted on an application made for the grant of hackney carriage driver's licence in respect of a Mr QP.

Mr QP, was in attendance at the meeting, together with his Solicitor, Mr Schiller, and two supporters.

Mr Schiller made representations on behalf of his client in particular commenting on the circumstances surrounding Mr QP's failure to declare all his convictions on the application submitted.

During consideration of this matter, concerns were raised in view of Mr QP's failure to recall his previous convictions as indicated in the report submitted.

Mr Schiller responded to questions asked by the Committee, and in doing so informed them that Mr QP did not have any matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in

the report submitted, and as reported at the meeting, approval be given to the grant of a hackney carriage driver's licence to Mr QP for a period of three months, and that any future renewals be dealt with by officers under delegated powers, provided that Mr QP had no offences pending at the time of renewal.

116. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR FA

(Having previously declared a non-pecuniary interest in this matter, the Chair left the meeting for the duration of its consideration).

(Councillor A Aston (Vice-Chair) in the Chair).

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr FA in the light of the offence committed as indicated in paragraph 19 of the report submitted.

Mr FA, was in attendance at the meeting, together with his Solicitor, Mr Schiller, and a supporter.

Mr Schiller made representations on behalf of his client in particular commenting on the circumstances surrounding the incident on 21st March, 2012 as outlined in the report submitted.

Mr Schiller and Mr FA responded to questions asked by the Committee, and Mr FA informed that there were no matters pending that needed to be brought to the attention of the Committee.

RESOLVED

That, following careful consideration of the information contained in the report submitted in respect of the offence committed, the private hire driver's licence issued to Mr FA be suspended for a period of three months month in view of the offence for which he had been convicted.

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

The meeting ended at 6.55 p.m.

CHAIR

SHADOW DUDLEY HEALTH AND WELLBEING BOARD

Monday, 21st January 2013 at 3 p.m.
In Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Islam (Chair)
Councillors Miller and Waltho
Director of Adult, Community and Housing Services, Director of Children's Services,
Assistant Director Children and Families (Directorate of Children's Services),
Dr N Plant and Mr P Maubach – Dudley Clinical Commissioning Group, Director of
Public Health, Mr A Gray – Dudley CVS CEO, Assistant Director, Health Reform
Programme Lead (Directorate of Adult, Community and Housing Services), Mr N
Bucktin (Head of Partnership Commissioning – Dudley Clinical Commissioning
Group and Mr J Jablonski (Directorate of Corporate Resources).

Also in attendance

Mr G Shaw, Chair – Dudley and Walsall Mental Health Partnership NHS Trust (for
agenda item number 8)
Ms N Dale, Principal Planning Officer (Planning Policy Team) (Directorate of the
Urban Environment) (for agenda item number 11)

Together with two members of the public

22 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillor
Crumpton, Sue Holmyard, Dr D Hegarty, Gill Cooper, Alison Taylor, Ambrose
Koryang, Dennis Hodson, Ian McGuff and Mr G Graham – Chief Executive, Dudley
and Walsall Mental Health Partnerships NHS Trust.

23 **DECLARATIONS OF INTEREST**

No member declared an interest in any matter to be considered at this meeting.

24 **MINUTES**

RESOLVED

That the minutes of the meeting of the Board held on 1st October, 2012,
be approved as a correct record and signed.

25 JOINT STRATEGIC NEEDS ASSESSMENT SYNTHESIS FOR 2012

A joint report of officers was submitted on Dudley's Joint Strategic Needs Assessment (JSNA) Synthesis for 2012.

The Director of Public Health in her presentation of the content of the report submitted also referred to the JSNA 2012 summary document that had been previously circulated to all members of the Board and to the document on community engagement activity and outcomes across Dudley Borough that had also previously been circulated to members of the Board.

During the presentation given it was noted that at the end of each section of the Synthesis there was a paragraph on emerging themes and key questions for commissioners. The Director of Public Health reported that a summary digest of the key questions would be produced.

Arising from the presentation given it was considered that the Synthesis was an improvement on previous such documents given the wider scope of its content and was therefore a better starting point for the Board.

Everyone involved in producing and contributing to the content of the Synthesis was thanked for their endeavours.

RESOLVED

That the Dudley Joint Strategic Needs Assessment Synthesis for 2012 be noted and endorsed as a basis for commissioning plans.

26 DRAFT JOINT HEALTH AND WELLBEING STRATEGY FOR DUDLEY BOROUGH

A report of officers was submitted on a final version of the first Joint Health and Well Being Strategy for Dudley Borough.

In commenting on the content of the report submitted the Assistant Director, Health Reform Programme Lead referred to the Joint Health and Well Being Strategy and draft Equality Impact Assessment, Appendices 1 and 4 to the report submitted, that had been tabled at the meeting.

Arising from the presentation given and in response to a question asked the Assistant Director, Health Reform Programme Lead reported that a public facing document would be produced in due course in respect of the Dudley Health and Well Being Strategy.

In commenting on the issue of "Quality and Safety" the Director of Adult, Community and Housing Services referred to the outcome of the recently published Winterborne View Report and the work done by the Board at its December event with other partners. It was agreed that further work be done by the Health and Wellbeing Editorial Group to respond to the national suggested questions with a view to inclusion on the agenda of the next Board.

RESOLVED

- (1) That the first Dudley Joint Health and Well Being Strategy produced by the Board, as tabled at the meeting, be approved.
- (2) That an appropriate review of the strategy be undertaken during 2013/14.
- (3) That the Board's Editorial group undertake further work on the themes of (i) Quality and Safety; (ii) Outcomes and Performance and (iii) Engagement as set out in paragraph 5 of the report submitted; and
- (4) That the content of the developing Equality Impact Assessment, copy as tabled at the meeting, be noted and endorsed.

27 DUDLEY CLINICAL COMMISSIONING GROUP – STRATEGIC COMMISSIONING PLAN 2012/15

A report of the Head of Partnership Commissioning, Dudley Clinical Commissioning Group (CCG) was submitted on Dudley CCG's Strategic Commissioning Plan for 2012/15 with a view to the Board offering an opinion to the CCG as to whether the plan took proper account of the Joint Health and Well Being Strategy (JHWS), in accordance with the provisions of the Health and Social Care Act, 2012.

A copy of the Strategic Commissioning Plan 2012/15 had previously been circulated to members of the Board as a separate document and the Chief Officer of Dudley CCG, Mr Paul Maubach, commented on a visual summary of the Plan, a hard copy of which was circulated at the meeting.

Mr Maubach in commenting on the Plan outlined aspects of its background together with its vision and objectives, commissioning priorities, JHWS priorities and provision for making Neighbourhoods, Lifestyles, Children, Minds and Services healthy.

In addition he also commented on latest planning guidance from the NHS Commissioning Board regarding the Quality Premium involving four national measures and three local measures the latter of which should be based on local JHWS priorities and considered by Health and Wellbeing Boards. The proposed local measures were

- improving diagnosis rate for dementia
- improving the number of atrial fibrillation patients being treated; and
- improving diagnosis rate for hypertension

Arising from the presentation given a number of questions were asked and responded to in particular relating to the CCG's response to the Winterbourne view and references to joint commissioning both of which had been actioned/taken into account and it was considered that joint commissioning was an integral part of what the CCG did.

Regarding the bullet points in the summary under the heading 'Making our Children Healthy' it was considered that in addition to ensuring that resources for safeguarding and looked after children were appropriate and sufficient this should be strengthened by also referring to the standards that the CCG were endeavouring to reach so that there was a quality issue as well as one in relation to resources and sufficiency. Mr Maubach undertook to look again at this issue along the lines suggested. It was also suggested that the Quality and Safety Strategy recently approved by the CCG Board be shared with the Dudley Safeguarding Adults Board.

In response to a question regarding the list of quick initiatives, which it was considered was still over long, the response was that the priorities would be dealt with over a two year period and that attempts have been made to identify which priorities would be dealt with in which years, however the rate of achievement would depend on resources and it may be the case that the list would be sequenced into, say, three years. If the list were sequenced it was also suggested that sharing this action would be welcomed by members of the Board.

In relation to comments made regarding The Quality Premium and the new national and local measures introduced by the NHS Commissioning Board a comment was made that it would be helpful for Board members if the balance and distribution of resources between the National Commissioning Board and the Dudley CCG were clearly identified as regards the responsibilities of each body and it was suggested that the National Commissioning Board be invited to submit a report to a future meeting on their responsibilities.

Regarding the initial four national measures and three local measures the CCG would be happy to share the details of the four national measures with the Board and in respect of the three local measures it was noted that these had been presented as the guidance on the measures had only been received a few weeks ago. In future it was reported that there would be an earlier opportunity for the Board to become involved as regards any future local measures for the following twelve month period and beyond. It was also noted that these local measures were not the only measures that were in place but were the three that would be monitored with the National Commissioning Board. As regards any future local measures comment was made that one such measure could relate to generational/ family issues.

The three local measures were supported by the Board.

RESOLVED

That, arising from consideration of the Dudley Clinical Commissioning Group's Strategic Commissioning Plan for 2012/15, the Clinical Commissioning Group be informed that, subject to the comments made at the meeting on the Plan, the Shadow Dudley Health and Wellbeing Board would offer an opinion that the plan takes proper account of the Joint Health and Wellbeing Strategy.

28 PRESENTATION BY THE CHAIR OF DUDLEY AND WALSALL MENTAL HEALTH PARTNERSHIP NHS TRUST

A copy of the presentation had previously been circulated to members of the Board and Mr Glyn Shaw, the Chair of Dudley and Walsall Mental Health Partnership NHS Trust was present at the meeting and commented on the content of the presentation which was also displayed visually.

Mr Shaw, in his presentation commented on the formation of the Trust in 2008 and the application for foundation trust status which, subject to completion of the necessary procedure, may be completed by 1st March 2013. Mr Shaw then proceeded to comment on the content of the presentation submitted.

Arising from the presentation given a number of questions/comments were made and in response to some of these the Chair of the Trust reported that his Board were committed to Personalisation and for this to run as smoothly as possible and would welcome details in respect of the guidance reported on at the meeting in respect of Payment by Results. The document could then form part of one of his board's development sessions.

Comments were also made about meetings held between the Trust and the Clinical Commissioning Group and the alignment between these bodies. One issue that needed to be raised however was the question of patient choice/referrals and the Chair of the Trust agreed to have the issue looked into.

At the end of questions/comments Mr Shaw was thanked for his informative presentation.

RESOLVED

That the information contained in the presentation, and comments made at the meeting, in respect of information submitted regarding the Dudley and Walsall Mental Health Partnership NHS Trust, be noted.

29 DRAFT RESPONSE TO THE CONSULTATION ON THE NATIONAL ALCOHOL STRATEGY

A report of the Director of Public Health was submitted on a draft response to the consultation on the National Alcohol Strategy 2012.

Arising from the presentation of the content of the report and the proposed draft response, attached as an appendix to the report submitted, questions/comments were raised by members.

Arising from one particular comment made the Director of Public Health undertook to strengthen the response as regards the issue raised at the meeting in respect of multi buy promotions and ways in which the trade could get round any suggested restrictions and the provision of minimal alcohol sales in relation to ancillary sellers.

RESOLVED

That, subject to the inclusion of comments made at the meeting in respect of the proposed draft response, the content of the report, and Appendix to the report, be noted and endorsed as this Board's response to the consultation on the National Alcohol Strategy 2012.

30 GOVERNANCE: DRAFT PROTOCOL TO SUPPORT WORKING RELATIONSHIPS BETWEEN THE HEALTH AND WELL BEING BOARD AND THE HEALTH SCRUTINY COMMITTEE

A joint report of officers was submitted on a first draft of a Protocol to support working relationships between Dudley's Health and Well Being Board and its Health Scrutiny Committee.

RESOLVED

- (1) That the Chair of the Board be authorised to confirm a final version of the draft Protocol following comment made by the Shadow Board and the Chairs meeting with the Chair of the Health and Adult Social Care Scrutiny Committee and officers
- (2) That approval be given to protocols being developed to cover the Board's relationships with the Dudley Safeguarding Adults Board, the Dudley Safeguarding Children's Board, the Dudley Health Watch and other Council Scrutiny Committees such as the Children's Committee.

31 PLANNING AND HEALTH – SUPPLEMENTARY PLANNING DOCUMENT – GOOD PRACTICE ITEM

A presentation entitled Planning and Health – Supplementary Planning Document, had previously been circulated to members of the Board.

Ms N Dale, Principal Planning Officer (Planning Policy Team) commented on the presentation submitted which was also displayed visually.

References were made throughout the presentation to the ways in which planning contributed to health issues with particular reference to the Council's Supplementary Planning Document. This document would be submitted to a meeting of Cabinet in March for approval to go to full consultation with a view to the adoption of a final document in the Autumn of 2013.

Arising from the comments made on the presentation it was considered that the Supplementary Planning Document, once adopted, would assist with health issues as it was important that such issues were clearly set out in the guidance contained within the Supplementary Planning Document.

RESOLVED

That the information contained in the presentation submitted, on Planning and Health – Supplementary Planning Document, be noted and welcomed.

The meeting ended at 4.43 p.m.

CHAIR

SPECIAL MEETING OF THE CABINET

Tuesday 13th November, 2012 at 5.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Sparks (Leader of the Council) (Chair)
Councillor Ali (Deputy Leader)
Councillors K Ahmed, Crumpton, Foster, Islam, Lowe, Waltho and Wood

together with the following Minority Group Members appointed to attend meetings of the Cabinet

Councillors Blood, Evans, Harley, L Jones, Miller, Vickers and Wright (Conservative Group)

OFFICERS:-

The Chief Executive, Director of Corporate Resources, Treasurer, and the Democratic Services Manager (Directorate of Corporate Resources).

ALSO IN ATTENDANCE

Councillor Tyler – for agenda item no. 5 (Review of Area Committees)

Councillor J Martin as an observer

45 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Partridge, Mrs Shakespeare and Mrs Walker.

46 CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillors Evans and Miller had been appointed to serve as Minority Group representatives in place of Councillors Mrs Walker and Mrs Shakespeare, respectively, for this meeting of the Cabinet only.

47 DECLARATIONS OF INTEREST

No member declared a Pecuniary or Non-Pecuniary Interest, in accordance with the Members' Code of Conduct, in respect of any matter to be considered at this meeting.

REVIEW OF PARLIAMENTARY CONSTITUENCY BOUNDARIES

A report of the Chief Executive was submitted on the revised proposals of the Boundary Commission for England with regard to the boundaries of Parliamentary constituencies.

RESOLVED

- (1) That representations be made to the Boundary Commission for England to the effect that the proposed Stourbridge and Dudley Constituency should be re-designated as the Stourbridge Constituency.
- (2) That the Chief Executive, in consultation with the Leader of the Council and Councillor L Jones, be authorised to examine any viable alternative proposal for Parliamentary constituency boundaries within the borough and make an appropriate submission to the Boundary Commission for England.

REVIEW OF AREA COMMITTEES

A report of the Scrutiny Chairs was submitted on proposals for a review of Area Committees. The proposals had been subject to a consultation period from 1st October to 9th November, 2012 and a summary of responses had been made available to Members in advance of the meeting.

At the invitation of the Cabinet, Councillor Tyler gave an overview of the proposals to establish Community Forums with a clear focus on community engagement and participation. The Leader expressed thanks to Councillor Tyler and the Scrutiny Chairs for producing the proposals within the tight deadlines involved. It was noted that the Community Forum structure would remain flexible and be subject to review in the light of operational experience.

Arising from the presentation, Members of the opposition group raised concerns, particularly in regard to the resource implications of the revised structure. It was accepted in principle that the Area Committees required review, however, Members questioned the need for urgency and suggested that the revised area arrangements be deferred until the new municipal year to allow for further cross-party consideration of the detailed implications. Reference was also made to the proposals in relation to the Halesowen area, which had been amended during the consultation.

Concerns were expressed regarding specific proposals in the report including publicity for the Community Forums, the increased number of meetings, Special Responsibility Allowances for the Chairs and Vice-Chairs, the governance arrangements, the suggested timescales for answering questions without the current level of officer support and the need to acknowledge different approaches to community engagement in certain parts of the Borough. Reference was also made to Police and Communities Together (PACT) meetings and the need to engage with partners to avoid duplication and build on structures already in place.

The Leader emphasised the importance of making changes to Area Committees without unnecessary delay and reiterated that the revised structure would be implemented from existing resources. All the issues raised at the meeting, and in the consultation, would be considered in the development of the Community Forums, which would be flexible and evolve over time to be responsive to the needs of local communities.

RESOLVED

That the Council be recommended:-

- (1) That the outcome of consultation be noted and the issues raised be taken into account in the implementation and ongoing review of the proposals.
- (2) That nine Community Forums be established, on the basis outlined in the report, to replace the existing Area Committee structure and that the Community Forums maintain a clear focus on community engagement and participation.
- (3) That the revised structure and area arrangements be funded from existing resources.
- (4) That the proposed dates of the meetings of the Community Forums for the remainder of the municipal year be as set out in the schedule circulated at the meeting and that the meetings of Area Committees previously programmed in 2013 be no longer proceeded with.
- (5) That Members be nominated to serve as the Chairs and Vice-Chairs of Community Forums initially with effect from the first meeting in February, 2013 until the annual meeting of the Council in May, 2013.

- (6) That, pending a review of the Members Allowances Scheme in 2013, annual Special Responsibility Allowances be paid to the Chairs and Vice-Chairs of the Community Forums and that it be noted that these payments will be within the existing budget allocation for the allowances currently paid to the Chairs and Vice-Chairs of Area Committees.
- (7) That the payment of Special Responsibility Allowances to the existing Chairs and Vice-Chairs of Area Committees cease with effect from the launch of the new Forums on 11th February, 2013 and the Members Allowances Scheme, as set out in the Constitution, be amended accordingly.
- (8) That the Director of Corporate Resources, in consultation with the Cabinet Member for Finance, be authorised to determine the reallocation of any unspent Area Committee local area budgets to the Community Forums on a ward by ward basis in due course.
- (9) That the Director of Corporate Resources be authorised to organise development sessions for Members and Officers and to determine any other consequential arrangements to ensure the implementation of the Community Forums from February, 2013.
- (10) That the revised area arrangements be the subject of an ongoing review to ensure that they remain flexible and a full review of the operation of the Community Forums be undertaken after 12 months of experience.
- (11) That thanks to be extended to Councillor Tyler and the Scrutiny Chairs for producing the proposals set out in the report within the tight deadlines required.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers)

A report of the Director of Corporate Resources was submitted on the annual review of the Constitution.

Following comments made in relation to paragraph 21 of the report (Deputy Leader of the Council), the Leader requested that this recommendation be withdrawn for further consideration.

RESOLVED

That the Council be recommended:-

- (1) That the standards arrangements, produced by the Monitoring Officer under delegated powers, as set out in Appendix 1 of the report submitted to the meeting, be endorsed.
- (2) That the Petition Scheme, as set out in Appendix 2 of the report submitted to the meeting, be approved.
- (3) That the revised Article 10 of the Constitution, as set out in Appendix 3 of the report submitted to the meeting, be approved to reflect the replacement of Area Committees with the new Community Forums.
- (4) That the Director of Corporate Resources be given delegated authority to action recommendations from the Community Forums in respect of area budgets, as referred to in paragraph 16 of the report submitted to the meeting.
- (5) That the revisions and updates to the scheme of delegation, as referred to in paragraph 18 of the report submitted to the meeting, be approved and adopted.
- (6) That the provisions for the “reference up” of decisions, as set out in paragraph 19 of the report submitted to the meeting, be approved and incorporated in Article 7.06 of the Constitution.
- (7) That the arrangements for calling special meetings of any Committee, as referred to in paragraph 20 of the report submitted to the meeting, be approved to ensure consistency in all parts of the Constitution.
- (8) That the Council's existing overview and scrutiny arrangements and Scrutiny Committee structure be reviewed and that recommendations be presented to the Council in advance of the 2013/14 municipal year.
- (9) That the implications of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, be noted and that the Director of Corporate Resources be authorised to make any consequential changes to the Access to Information Procedure Rules in Part 4 of the Constitution.

- (10) That the Forward Plan of Key Decisions be reported to all ordinary meetings of the Cabinet, as referred to in paragraph 31 of the report submitted to the meeting.
-

The meeting ended at 6.10pm.

LEADER OF THE COUNCIL

MEETING OF THE CABINET

Thursday 6th December, 2012 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Sparks (Leader of the Council) (Chair)
Councillor Ali (Deputy Leader)
Councillors K Ahmed, Crumpton, Foster, Lowe, Partridge and Wood

together with the following Minority Group Members appointed to attend meetings of the Cabinet

Councillors Blood, Harley, L Jones, Miller, Vickers, Mrs Walker and Wright (Conservative Group)

OFFICERS:-

The Chief Executive, Director of Corporate Resources, Director of Children's Services, Treasurer, Director of the Urban Environment, Director of Adult, Community and Housing Services, Director of Public Health, Assistant Director (Human Resources and Organisational Development), Democratic Services Manager, together with other officers.

OBSERVER:-

Councillor J Martin

51 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Islam, Mrs Shakespeare and Waltho.

52 CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillor Miller had been appointed to serve as a Minority Group representative in place of Councillor Mrs Shakespeare for this meeting of the Cabinet only.

53 DECLARATIONS OF INTEREST

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

54

MINUTES

RESOLVED

That the minutes of the meetings of the Cabinet held on 31st October and 13th November, 2012, be approved as correct records and signed.

55

CAPITAL PROGRAMME MONITORING AND EXTERNAL FUNDING

A joint report of the Chief Executive and the Treasurer was submitted on progress with the implementation of the Capital Programme and to seek approval for bids for external funding.

The Cabinet Member for Finance responded to issues raised by the Leader of the Opposition Group concerning the differences between the expenditure to 31st October, 2012 and the forecast and budgeted expenditure for the financial year.

RESOLVED

- (1) That current progress with the 2012/13 Capital Programme, as set out in Appendix A to the report submitted to the meeting, be noted.
 - (2) That the second round application to the Heritage Lottery Fund in respect of the Mary Stevens Park project be supported and approved for submission, as set out in paragraph 4 of the report submitted to the meeting.
 - (3) That the bid for Big Lottery funding for a Community Magazine be supported and approved for submission, as set out in paragraph 5 of the report submitted to the meeting.
-

56

QUARTERLY CORPORATE PERFORMANCE REPORT

A report of the Chief Executive was submitted on the second Quarterly Corporate Performance Report for 2012/13, relating to performance for the period from 1st July to 30th September, 2012.

RESOLVED

- (1) That the Quarterly Corporate Performance Report for the period from the 1st July to the 30th September, 2012 be noted and its contents approved.

- (2) That the referral of the report to Scrutiny Chairs be noted.
-

57 DESIGN IN BRIERLEY HILL TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT – APPROVAL TO ADOPT

A report of the Director of the Urban Environment was submitted on the Design in Brierley Hill Town Centre Supplementary Planning Document.

RESOLVED

That the Design in Brierley Hill Town Centre Supplementary Planning Document be approved and adopted.

(This was a Key Decision with the Cabinet being named as Decision Taker)

58 COMMUNITY INFRASTRUCTURE LEVY PRELIMINARY DRAFT CHARGING SCHEDULE FOR CONSULTATION

A report of the Director of the Urban Environment was submitted on progress on the feasibility work regarding the development of a Community Infrastructure Levy (CIL) and to seek approval for the Preliminary Draft Charging Schedule to be published for a statutory six-week period of public consultation.

In response to issues raised by the Opposition Group, the Cabinet Member for Regeneration emphasised that the document would be subject to full consultation and there was no intention to deter development or investment in the Borough. All views and representations would be taken into account following the consultation. Subject to its formal adoption, Members would review the charging schedule in the light of experience and take account of the views of neighbouring Councils.

RESOLVED

That approval be given to publish the Preliminary Draft Charging Schedule for a statutory six-week period of public consultation.

(This was a Key Decision with the Cabinet being named as Decision Taker)

59 FORWARD PLAN OF KEY DECISIONS

A report of the Director of Corporate Resources was submitted on the Forward Plan of Key Decisions for the four-month period commencing 1st December, 2012.

RESOLVED

That the Forward Plan of Key Decisions be noted.

60 ISSUES ARISING FROM SCRUTINY COMMITTEES

No issues were reported under this item.

61 EXCLUSION OF THE PUBLIC

RESOLVED

That the public 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 1 of Schedule 12A to the Local Government Act, 1972, as indicated below and in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Description of Item</u>	<u>Relevant paragraph of Part 1 of Schedule 12A</u>
Staffing Issues – Directorate of Children’s Services	1

62 STAFFING ISSUES – DIRECTORATE OF CHILDREN’S SERVICES

A report of the Director of Children’s Services was submitted seeking approval to terminate the contracts of employment of two employees referred to in the report submitted to the meeting, on the grounds of compulsory redundancy, in accordance with the Managing Employees at Risk of Redundancy Policy.

RESOLVED

That the termination of the contracts of employment of the two employees referred to in the report submitted to the meeting be approved, on the grounds of compulsory redundancy, in accordance with the terms and conditions set out in the report.

The meeting ended at 6.16pm

LEADER OF THE COUNCIL

DELEGATED DECISION SUMMARIES

(Copies of Decision Sheets on the new decisions database can be accessed by logging on to

<http://online.dudley.gov.uk/dudco/decision/decisions.asp>)

1.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Khurshid Ahmed
Authorised By Cllr Khurshid Ahmed, Cabinet Member for Housing, Libraries and Adult
In Consultation With Andrea Pope-Smith, Director of Adult, Community and Housing Services
Ward(s) Affected All
Date of Decision 14 December 2012 **Reference** DACHS/018/2012

Black Country Tenancy Strategy

To adopt and implement the Black Country Tenancy Strategy by 1st January 2013

2.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Khurshid Ahmed
Authorised By Cllr Khurshid Ahmed, Cabinet Member for Housing, Libraries and Adult
In Consultation With Andrea Pope-Smith, Director of Adult, Community and Housing Services
Ward(s) Affected All
Date of Decision 16 January 2013 **Reference** DACHS/001/2013

Homelessness Funding

To confirm spending of central Government Homelessness Grants which include Overcrowding/Under Occupation funding.

3.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Tim Crumpton
Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected All
Date of Decision 21 November 2012 **Reference** DCS/38/2012

Residential Short Breaks Provision

To agree detail of joint tendering exercise with the CCG commissioners and to award contracts for the purchase of residential short breaks for children and young people with severe disabilities.

4.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Tim Crumpton
Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected All
Date of Decision 06 December 2012 **Reference** DCS/39/2012

Dudley Schools Forum School Member Appointments

In respect of Dudley Schools Forum, to approve the appointment of one Academy Member from 1 December 2012, Mr J. Kelleher (a parent Governor for Earls High School).

5.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Tim Crumpton
Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected All
Date of Decision 06 December 2012 **Reference** DCS/40/2012

Outcomes of Schools Funding Reforms Formula Funding Consultation

To report on the Director of Children's Services decisions taken in relation to the Schools Funding Reforms Formula Funding Consultation that ended on the 5 October 2012.

6.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Tim Crumpton
Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected All
Date of Decision 17 December 2012 **Reference** DCS/42/2012

School Funding Reforms Outcomes of the Delegation's Consultation

To report on the recent decisions made by Schools Forum in relation to the De-delegations of centrally retained budgets for 2013/14.

7.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Cllr Tim Crumpton

Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services
Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and

In Consultation With Jane Porter, Director of Children's Services
Teresa Reilly, Assistant Director

Ward(s) Affected All

Date of Decision 17 December 2012 **Reference** DCS/41/2012

To change the leadership and management of Children's Centres

For the local authority to resume responsibility for the delivery of Children's centre services when contracts with current providers end on 31st March 2013, in order to reshape provision alongside partners to deliver services within reduced funding available.

8.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Cllr Tim Crumpton

Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services

In Consultation With Jane Porter, Director of Children's Services

Ward(s) Affected All

Date of Decision 20 December 2012 **Reference** DCS/43/2012

Implementation of Supported Accommodation Framework

To implement the Supported Accommodation Framework Contract, for which agreement to tender was agreed in March 2012.

9.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Cllr Tim Crumpton

Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services

In Consultation With Jane Porter, Director of Children's Services

Ward(s) Affected All

Date of Decision 21 January 2013 **Reference** DCS/02/2013

Catering and Client Services Price Increases 2013 - Caretakers Rent

To increase the rent paid by school caretakers resident in properties owned by the Council with effect from 1 April 2013.

10.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Tim Crumpton
Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected Halesowen North
Belle Vale
Cradley and Wollescote
Halesowen South
Hayley Green & Cradley
South
Date of Decision 21 January 2013 **Reference** DCS/01/2013

New Instrument of Government for Howley Grange Primary School

To approve the sealing of a new Instrument of Government for Howley Grange Primary School

11.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Tim Crumpton
Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected All
Date of Decision 22 January 2013 **Reference** DCS/03/2013

Early Years internal and external training charges

Approval to raise the internal and external training charges Sept 2012- July 2013 to private and voluntary early years and childcare settings (including childminders) and maintained schools for 'in-house' and centrally based professional development and training.

12.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Tim Crumpton
Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected Kingswinford North &
WallHeath
All
Kingswinford South
Date of Decision 29 January 2013 **Reference** DCS/04/2013

New Instrument of Government for The Summerhill School

To approve the sealing of a new Instrument of Government for The Summerhill School

13.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Tim Crumpton
Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected All
Date of Decision 04 February 2013 **Reference** DCS/05/2013

AUTHORISE FUNDING -CHILDREN'S SERVICES TO SUPPORT INDEPENDENT TRAVEL TRAINING TO BE CARRIED OUT BY THE DUE ROAD SAFETY TEAM DURING THE FINANCIAL YEAR 2013/14

To authorise the creation of a £60k budget within Children's Services to fund the continued delivery of an effective Independent Travel Training (ITT) programme carried out by the DUE Road Safety Team.

Funds to be made available throughout the year on a case by case basis when a child or young person is inducted into the travel training programme and a plan to deliver their training is produced by DUE Road Safety Officers . The plan will identify the anticipated delivery schedule of the training and associated costs.

The efficient use of resources will be safeguarded by a Service Level Agreement (SLA) between DCS and DUE.

14.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Tim Crumpton
Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected St James's
Date of Decision 04 February 2013 **Reference** DCS/06/2013

Youth Service – Russells Hall Neighbourhood Centre, Overfield Road, Russells Hall Estate, Dudley.

1.To approve a decision that the current name of Russells Hall Neighbourhood Centre be changed to Russells Hall Youth Centre.

2.To ensure that the name reflects the focus and priority of the facility offered.

15.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Tim Crumpton
Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected All
Date of Decision 04 February 2013 **Reference** DCS/07/2013

Price Increase - Room Charges at Saltwells EDC - 2013

To increase the charges made to clients for the use of Saltwells conference rooms by 2%, with effect from 1 April 2013.

16.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Foster
Authorised By Cllr Foster, Cabinet Member Transportation and Community Safety
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected All
Date of Decision 19 November 2012 **Reference** DUE/42/2012

Suspension of Car Park Charges - Christmas 2012

That the Council suspend parking charges on the 8th, 15th and 22nd December 2012 on all Council controlled car parks and that the Director of the Urban Environment be authorised to suspend on one late shopping night in November/December 2012, in each of the centres following liaison with local traders.

17.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Foster
Authorised By Cllr Foster, Cabinet Member Transportation and Community Safety
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected Halesowen North
Date of Decision 19 November 2012 **Reference** DUE/43/2012

Allocation of new road name off Long Lane, Halesowen

1.1 That the road identified on plan no. T&T/D/RN/184 is to be named Thatchers Barn Drive.

18.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Foster
Authorised By Cllr Foster, Cabinet Member Transportation and Community Safety
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected Wollaston & Stourbridge
Town
Date of Decision 27 November 2012 **Reference** DUE/44/2012

Traffic Regulation Orders, Various Streets in Stourbridge

- 1.1 That the following Traffic Regulation Orders be implemented as advertised.
1.2 The Borough Council of Dudley (Various Streets in Stourbridge Area) (Prohibition and Restriction of Waiting and Parking Places) (No.3 Order type) (Traffic Regulation Order 2012).
1.3 The Borough Council of Dudley (Various Streets in Stourbridge Area) (One Way Streets) (No.3 Order type) (Traffic Regulation Order 2012).

19.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Foster

Authorised By Cllr Foster, Cabinet Member Transportation and Community Safety

In Consultation With John Millar, Director of the Urban Environment

Ward(s) Affected Castle & Priory

Date of Decision 06 December 2012

Reference DUE/46/2012

Local Safety Scheme 2011/12 – The Broadway, Dudley

1.1 That the Speed Limit Revocation Traffic Regulation Order be sealed as advertised.

20.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Foster

Authorised By Cllr Foster, Cabinet Member Transportation and Community Safety

In Consultation With John Millar, Director of the Urban Environment

Ward(s) Affected St James's

Date of Decision 13 December 2012

Reference DUE/47/2012

Experimental One-Way Traffic Regulation Order for parts of High Street & Stone Street

1.1 To make permanent the experimental one-way Traffic Order for parts of High Street and Stone Street, Dudley.

21.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Foster

Authorised By Cllr Foster, Cabinet Member Transportation and Community Safety

In Consultation With John Millar, Director of the Urban Environment

Ward(s) Affected Sedgley

Date of Decision 08 January 2013

Reference DUE/01/2013

To determine the response to a request by petition to close a public footpath from Springfield Grove to junction of the The Quadrant and Beacon Rise, Sedgley

That following very careful consideration in liaison with the police and local ward members it has been decided not to progress the request for closure of the public footpath from Springfield Grove to the junction of The Quadrant and Beacon Rise, Sedgley.

22.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Foster
Authorised By Cllr Foster, Cabinet Member Transportation and Community Safety
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected Brockmoor & Pensnett
Date of Decision 18 January 2013 **Reference** DUE/03/2013

Allocation of new road names off The Parade, Dudley

1.1 That the roads identified on plan no. T&T/D/RN/186 are named 'Patron Close and March Drive'.

23.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Foster
Authorised By Cllr Foster, Cabinet Member Transportation and Community Safety
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected Quarry Bank & Dudley Wood
Date of Decision 18 January 2013 **Reference** DUE/02/2013

Temporary Gating of public footpath running between Robin Hood Road to Marion Close, Quarry Bank

1.1 That an Order be made under Section 129A of the Highways Act 1980 to gate the public footpath from Robin Hood Road to Marion Close, Quarry Bank and that subject to the satisfactory outcome with statutory consultees the footpath be gated.

24.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Foster
Authorised By Cllr Foster, Cabinet Member Transportation and Community Safety
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected Belle Vale
Date of Decision 05 February 2013 **Reference** DUE/05/2013

Stourdell Road, Halesowen – proposed permanent one-way Traffic Regulation Order

1.1 That the Borough Council of Dudley (Stourdell Road, Halesowen) (one way) Order 2013 be implemented as advertised.

25.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Zafa Islam
Authorised By Cllr Zafa Islam, Cabinet Member for Health and Wellbeing
In Consultation With Andrea Pope-Smith, Director of Adult, Community and Housing Services
Ward(s) Affected All
Date of Decision 24 January 2013 **Reference** DACHS/002/2013

Delegated authority - acceptance of a tender following competitive tender exercise

That following a Tender exercise, to award the Contract for the Provision of Healthwatch Dudley on behalf of Dudley MBC.

26.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Philip Tart, Director of Corporate Resources
Ward(s) Affected All
Date of Decision 26 November 2012 **Reference** HOPSS/78/2012

The Restructure of the HR and Organisational Development Division of the Corporate Resources Directorate

To approve the restructure of the Human Resources and Organisational Development Division of the Directorate of Corporate Resources.

27.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 07 December 2012 **Reference** HOPSS/80/2012

Appointment of Qualified Social Worker Post ID 10240

To agree to the appointment of 2 x 37 hours Social Worker role Grade 8 (scp 30 – 33 to support the work of the Dementia Gateways as a point of access to adult care services.

28.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** None**Date of Decision** 07 December 2012**Reference** HOPSS/79/2012**The termination of I.D. Loans Officer, Credit Union, Chief Executives Directorate on the grounds of redundancy wef 30 November 2012**

To terminate the employment of I.D. Loans Officer , Credit Union, Chief Executive's Directorate on the grounds of redundancy wef 30th November 2012 in accordance with the Managing Employees at Risk Of Redundancy Policy.

29.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** None**Date of Decision** 14 December 2012**Reference** HOPSS/81/2012**Flexible Retirement of AH, ICT Service Management Co-ordinator**

To allow the flexible retirement of AH effective 01/04/2013

30.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** None**Date of Decision** 19 December 2012**Reference** HOPPS/83/2012**Updated Subsistence Policy to be known as Allowances Procedure and Guidance**

To agree updates to the current Subsistence Policy. The updated policy will be known as the Allowances Policy and Procedure and incorporates The Removal and Resettlement Policy and Procedure, Meal Subsistence, Conditions for Claiming Car Allowances and Travel and Accommodation Guidance.

31.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** None**Date of Decision** 19 December 2012**Reference** HOPSS/84/2012**Approval of the flexible retirement for Miss JAB, Office Manager in the Salaries Team, Payroll Services of HR and Organisational Development to be effective fro**

To seek approval for the flexible retirement of Miss JAB, age 58 in the Directorate of HR & Organisational Development, effective from 1/4/13.

32.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** None**Date of Decision** 19 December 2012**Reference** HOPSS/82/2012**Anti-bullying Co-ordinator**

To recruit to the Anti-bullying Co-ordinator post

33.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** None**Date of Decision** 24 December 2012**Reference** HOPSS/88/2012**Disclosure & Barring Policy (formerly known as CRB)**

To agree a new Disclosure & Barring Policy (formerly known as CRB), to apply to all Council Members, employees and other workers appointed by the Council, and Community and Voluntary Controlled Schools.

Governing Bodies of Voluntary Aided, Foundation Schools and Academies will be encouraged to adopt a similar Policy or follow this Policy as recommended good practice.

34.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** None**Date of Decision** 24 December 2012**Reference** HOPSS/87/2012**To develop an Advanced Apprenticeship Programme within the Electrical and Mechanical Services team of DUE's Environmental Management Division**

To develop an Advanced Apprenticeship Programme within the Electrical and Mechanical Services team of DUE's Environmental Management Division.

35.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 24 December 2012**Reference** HOPSS/86/2012**To create Leisure Apprenticeship posts within the Sport and Physical Activity Departments in DUE.**

To create Apprenticeship posts within the Sports and Physical Activity Department based within the Culture and Leisure Division of DUE.

36.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 24 December 2012**Reference** HOPSS/85/2012**The restructure of the Children's Services Accountancy Team by removing an Accountancy Assistant Trainee post and creating an Accountancy Assistant post**

To restructure the Children's Services Accountancy Team by removing an Accountancy Assistant Trainee post and creating an Accountancy Assistant post. This is a full time position and will be ring fenced to the employee acting in the Accountancy Assistant post.

37.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 02 January 2013 **Reference** HOPSS/01/2013

Creation of New Post: Head of Attractions and Amenities

To approve the creation of Head of Attractions and Amenities in the Culture and Leisure Division of Directorate of the Urban Environment (DUE)

38.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 18 January 2013 **Reference** HOPSS/4/2013

Creation of Assistant Team Manager post (Safeguarding)

Approval to create and appoint to the new permanent post of Assistant Team Manager within Adult Social Care & Support to support the safeguarding role of team managers.

39.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 18 January 2013 **Reference** HOPSS/3/2013

Creation of a Job Coach post specialising in people with Autism

To create an additional Job Coach post, to work specifically with adults on the autistic spectrum. This post would be part of the newly formed Employment Plus (E Plus) team within adult learning disability services.

40.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 18 January 2013 **Reference** HOPSS/5/2013

Appointment of Outreach Tutors (Skills for Life)

To appoint 3 part-time workers to develop and deliver a range of Adult Learning for English, Maths and ESOL courses across the Borough and to liaise with providers to support recruitment, retention and marketing of provision.

41.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 18 January 2013 **Reference** HOPSS/2/2013

Caseload Development Coordinator (part time; fixed term until April 2014)

To appoint one part-time caseload development coordinator for 3 days per week on a fixed term contract until April 2014 to Targeted Youth Support TP Team.

42.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 28 January 2013 **Reference** HOPSS/9/2013

Recruitment of temporary post – Customer Services Advisor

Agreement to recruit to a temporary full time post of Grade 5 Customer Services Advisor (12 months) via secondment, to manage a central point of referral (access point) within Supporting People.

43.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 28 January 2013**Reference** HOPSS/10/2013**10264 Housing Support Officer**

To establish an additional post in the Housing Support Team within DACHS to work on the Troubled Families Programme. initially for one year and then subject to continued funding

44.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 28 January 2013**Reference** HOPSS/7/2013**Request to make the post of Placement Support and Reviewer/Recovery Officer for Mental Health Services a permanent position.**

To make the post of Placement Support and Reviewer/Recovery Officer for Mental Health Services permanent.

45.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 28 January 2013**Reference** HOPSS/8/2013**Post FIN128 – Information Systems Technical Officer**

To authorise the establishment of a new post of Information Systems Technical Officer in the Information Systems unit of ICT Services Section, part of the Treasurer's division. This will be a full-time post.

46.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 28 January 2013 **Reference** HOPSS/6/2013

Creation of Assistant Care Coordinator post within the Autistic Spectrum Condition Team (ASC Team).

To create an assistant care coordinator post within the Autistic Spectrum Condition Team (ASC Team).

47.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected None
Date of Decision 29 January 2013 **Reference** HOPSS/11/2013

Creation of the post of Principal Accountancy Assistant (Support Services)

To create the post of Principal Accountancy Assistant, reporting to the Group Accountant for Support Services.

48.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Philip Tart, Director of Corporate Resources
Ward(s) Affected Quarry Bank & Dudley Wood
Date of Decision 31 January 2013 **Reference** DCR/04/2013

APPROPRIATION OF LAND AT WOODLAND AVENUE, QUARRY BANK

That the land at Woodland Avenue, Quarry Bank be appropriated from the purposes of the Housing Act 1936 (Part 3) to the purposes of the Highways Act 1980.

49.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 31 January 2013 **Reference** HOPSS/12/2013

To create 3 additional customer service advisor posts at Dudley Council Plus to assist with increased work volumes after taking on "Social Fund" replacement wor

To increase the establishment of customer service advisors at Dudley Council Plus to cater for the administration of "Social Fund" replacement service.

Funding for these additional posts will be via a non-ringfenced central government administration grant.

50.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected None
Date of Decision 07 February 2013 **Reference** HOPSS/13/2013

Updated Managing Sickness Absence Policy and Guidance for Managers and Managing Sickness Absence Procedure for Employees to be known as Attendance Management Po

To agree updates to the current Managing Sickness Absence Policy. The updated policy will be known as the Attendance Management Policy and Attendance Management Procedure and incorporates the ill health capability procedure.

51.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected None
Date of Decision 07 February 2013 **Reference** HOPSS/14/2013

Updated Stress in the Workplace Policy to be known as Stress in the Workplace Policy & Procedure

To agree updates to the current Stress in the Workplace Policy. The updated Policy will be known as the Stress in the Workplace Policy & Procedure and incorporates an Individual Stress Checklist, Individual Action Plan and Employee Support information.

52.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Cllr David Sparks

Authorised By Cllr David Sparks, Cabinet Member for Policy and Leader of the Council
Cllr Khurshid Ahmed, Cabinet Member for Housing, Libraries and Adult

In Consultation With Iain Newman, Treasurer
Andrea Pope-Smith, Director of Adult, Community and Housing Services

Ward(s) Affected All

Date of Decision 05 February 2013 **Reference** DCR/05/2013

Urgent addition to the Capital Programme – Council Housing New Build (Care and Support Specialised Housing)

That the Council submits a bid for Homes and Communities Agency (HCA) Care and Support Specialised Housing Fund grant for the construction of 14 supported apartments for people with learning disabilities and that the project is included in the Capital Programme.

53.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Philip Tart

Authorised By Philip Tart, Director of Corporate Resources

In Consultation With Cllr Peter Lowe, Cabinet Member for Finance

Ward(s) Affected All

Date of Decision 19 November 2012 **Reference** DCR/32/2012

The acceptance of a Tender following a Competitive Tendering Exercise (1268)

That, following a Tender exercise, to award the Contract for the Supply of Greengrocery on behalf of the Black Country Purchasing Consortium (BCPC) and Solihull MBC and Coventry CC (Contract Management Ref no. 1268).

54.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Philip Tart

Authorised By Philip Tart, Director of Corporate Resources

In Consultation With Cllr Peter Lowe, Cabinet Member for Finance

Ward(s) Affected All

Date of Decision 20 December 2012 **Reference** DCR/33/2012

The Exercise of Delegated Authority by the Director of Corporate Resources in relation to: The acceptance of a Tender following a competitive Tendering Exercise

That, following a Tender exercise, to award the Contracts for the supply of Heating Oil, Unleaded Petrol and Ultra Low Sulphur Diesel for the period 1st January 2013 to 31st August 2016, (Contract Management Ref no. 1276).

55.**Delegated Decision Summary****Exempt**
Yes No
 Decision Made By Philip Tart**Authorised By** Philip Tart, Director of Corporate Resources**In Consultation With** Cllr Peter Lowe, Cabinet Member for Finance**Ward(s) Affected** All**Date of Decision** 20 December 2012**Reference** DCR/34/2012**The Exercise of Delegated Authority by the Director of Corporate Resources in relation to: The acceptance of a Tender following a competitive Tendering Exercise**

That, following a Tender exercise, to award the Contract for the Provision of a Data Capture (Paper Documents) Overflow Service for the period 1st February 2013 to 31st December 2015 with an option to extend for a further 2 years subject to satisfactory performance and price. (Contract Management Ref no.1277).

56.**Delegated Decision Summary****Exempt**
Yes No
 Decision Made By Philip Tart**Authorised By** Philip Tart, Director of Corporate Resources**In Consultation With** Cllr Peter Lowe, Cabinet Member for Finance**Ward(s) Affected** All**Date of Decision** 21 January 2013**Reference** DCR/01/2013**The approval of The Dudley MBC Council Tax Reduction Scheme 2013/14**

That this scheme is adopted by Dudley Metropolitan Borough Council in accordance with Section 13A of the Local Government Finance Act 1992(a) for 2013/14 and comes into effect on 1st April 2013.

The DMBC Council Tax Reduction Scheme 2013/14 (See Attachment 1)

57.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Philip Tart**Authorised By** Philip Tart, Director of Corporate Resources**In Consultation With** Cllr Peter Lowe, Cabinet Member for Finance**Ward(s) Affected** All**Date of Decision** 30 January 2013**Reference** DCR/02/2013**The extension of a contract (1274)**

To extend the Contract for the provision of a Building Cleaning Service on behalf of DACH's (Housing Management) for the period 1st April 2013 to 31st March 2015 (Procurement, Contract Management & Creditor Services ref no.1274) which was originally awarded following a tender exercise for the period 1st April 2010 to 31st March 2013 (Procurement, Contract Management & Creditor Services ref no. 1109) and extend the Contract for the provision of a Building Cleaning Service on behalf of Children's Services, (Catering & Client Services) for the period 1st April 2014 to 31st March 2015 (Procurement, Contract Management & Creditor Services ref no.1274) which was originally awarded following a tender exercise for the period 1st April 2011 to 31st March 2014 (Procurement, Contract Management & Creditor Services ref no. 1165)

58.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Philip Tart**Authorised By** Philip Tart, Director of Corporate Resources**In Consultation With** Cllr Peter Lowe, Cabinet Member for Finance**Ward(s) Affected** All**Date of Decision** 30 January 2013**Reference** DCR/03/2013**The extension of a contract (1281)**

To extend the Contract for Office Supplies (Stationery & Computer Consumables), for the period 1st April 2013 to 31st March 2014 (Procurement, Contract Management & Creditor Services ref no. 1281) which was originally awarded following a tender exercise for the period 1st April 2010 to 31st March 2013 (Procurement, Contract Management & Creditor Services ref no. 1112).

59.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Wood**Authorised By** Cllr Wood, Cabinet Member for Environment and Culture**In Consultation With** John Millar, Director of the Urban Environment**Ward(s) Affected** All**Date of Decision** 06 December 2012**Reference** DUE/45/2012**Waste Care Staff Facilities**

Approval to refurbish and upgrade existing welfare facilities for Waste Care operational staff, in order to meet the requirements and comply with the Workplace (Health, Safety and Welfare) Regulations 1992.

60.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------

Decision Made By Cllr Wood

Authorised By Cllr Wood, Cabinet Member for Environment and Culture

In Consultation With John Millar, Director of the Urban Environment

Ward(s) Affected All

Date of Decision 05 February 2013

Reference DUE/04/2013

Fees and Charges - Culture and Leisure Services 1 January 2013 - 31 December 2013

That the scale of charges attached as appendices be approved.

That the Assistant Director for Culture and Leisure Services be authorised to allow variations to the approved list of fees and charges to cover incidents of reduced service levels, sales promotions, social inclusion programmes and charitable events.

In addition to the core fees and charges in each of the service areas the additional subsidiary fees and charges for goods for resale, equipment hire, course and activity programmes, concerts and events, specialist services, concessions and sundry items are set locally by managers and approved by the Assistant Director for Culture and Leisure.