

**ACTION NOTES OF THE MEETING OF KINGSWINFORD NORTH AND
WALL HEATH/KINGSWINFORD SOUTH AND WORDSLEY COMMUNITY
FORUM**

Tuesday, 10th September, 2013 at 6.30 p.m.
at Holy Trinity Church Hall, Wordsley

PRESENT: -

Councillor D Blood (Chair)
Councillor P Miller (Vice-Chair)

Councillors Mrs L Boleyn, D Hemingsley, J Jones, Mrs G Simms, and
D Tyler.

OFFICERS:

Mr I Newman (Lead Officer to the Forum), Treasurer, Mrs L Jury – Both
Directorate of Corporate Resources, Mrs K Cox – Dudley Contact Centre.

together with Stuart Connelly, Steve Cooper, Andy Webb (in an observation
capacity only)

12 members of the public

1. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of
Councillors Mrs Billingham and Harley.

2. **INTRODUCTIONS BY THE CHAIR**

The Chair welcomed those present to the meeting of the Kingswinford
North and Wall Heath/ Kingswinford South and Wordsley Community
Forum.

3. LISTENING TO YOU: QUESTIONS AND COMMENTS FROM LOCAL RESIDENTS

Local residents raised questions and made comments as set out below. These issues would be referred to the relevant Directorate or appropriate body for a response:

Nature of questions/comments

- (1) A resident raised concern regarding shrubbery and trees on Cooknell Drive which was planted when the estate was first built but is not being maintained. The overgrown shrubbery and trees are now creating a danger for motorists trying to gain access to the estate. As the shrubbery is overhanging parts of the pavements, this is also causing a problem for pedestrians. There is also an issue with rats and badgers. Can this please be attended to.
- (2) A resident requested an update on the situation pertaining to the vacant shops on Sandringham Road which had been raised at the previous Forum.
- (3) A resident also requested an update on the situation pertaining to the drains outside the shops on Sandringham Road which had been raised at the previous Forum. The blockage is now so severe that residents are concerned that flooding will occur in heavy rain and requested that the drains be cleaned.
- (4) A resident requested an update on a query submitted to the previous forum with respect to funding to Wordsley Carnival. A verbal update was given to this query at the meeting.

Other issues raised and/or answered on the evening:

- Mr D Stenson, Governor of Dudley Group of Hospitals NHS Foundation Trust gave a verbal update to the meeting pertaining to forthcoming health meetings to which the public were invited to attend and details relating to the Dudley Clinical Commissioning Group, the major challenges facing A&E departments this winter and an update on the situation at Russells Hall Hospital following the hospitals recent review were noted.
- A resident raised a query on behalf of local youths that concrete ramps be installed on Wordsley Park for use by BMX bikes. A verbal response to this request was given in which it was noted that previous requests for BMX and skateboarding parks had been considered by the Council but objections from local residents had been submitted to the 23 in-door and out-door sites that had be proposed.
- A resident complained that the Forum's were still not being widely advertised throughout the local area and they were unable to access details of forthcoming Community Forums on the Council's website. In response, the advertising of the Forums was discussed and the resident in question was given an address to contact if problems with access to the website continued.
- As the Police were unable to attend this evening's meeting, the Chair submitted the crime figures for July and August. It was noted that there had been an increase in overall crime on the three areas but this had been anticipated as there is usually a seasonal increase at this time of year but in comparison with last year's figures, overall crime levels had decreased.
- Residents raised queries in relation to the new 'wheelie bins' and collection times especially as some collections had been missed. In reply it was noted that there had been some confusion with relation to new collection dates but residents were reassured that these issues would be addressed once the system was fully implemented.

4.

WORKING WITH YOU – TOPICS RAISED BY LOCAL COUNCILLORS

- Councillor Boleyn made reference to the recent arson attacks that had occurred in Wall Heath and it was noted that a person had been arrested in connection with the attacks within 5 hours of the incidents occurring. Thanks were expressed to the Police and the Fire Service for their swift action.

5. AREA GRANTS

The Lead Officer gave a verbal update stating that no applications had been received since the last meeting.

6. DATE, TIME AND VENUE OF NEXT MEETING

Noted that the next meeting of the Community Forum would be on Tuesday 12th November, 2013 at 6.30pm at a venue to be confirmed.

The meeting ended at 7.35pm.

AUDIT AND STANDARDS COMMITTEE

Thursday 19th September, 2013 at 6.00 p.m.
in Committee Room 3, The Council House, Dudley

PRESENT:-

Councillor Cowell (Chair)
Councillor Arshad (Vice-Chair)
Councillors Harris, Hill, Russell, Taylor, K. Turner, Tyler and Vickers

Officers

Treasurer, Head of Audit Services, Director of the Urban Environment, Assistant Director, HR and Organisational Development, Executive Support Manager, Directorate of the Urban Environment, Group Accountant, Audit Managers, Principal Auditor and Mr J Jablonski (Directorate of Corporate Resources).

Also in Attendance

Ms. K. Bellingall (Director) (Grant Thornton)
Mr. S. Turner (Manager) (Grant Thornton)

13. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Mrs Martin and C Wilson.

14. **APPOINTMENT OF SUBSTITUTE MEMBERS**

It was reported that Councillors K Turner and Vickers had been appointed as substitute members for Councillors C Wilson and Mrs Martin for this meeting of the Committee only.

15. **DECLARATIONS OF INTEREST**

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

16. MINUTES

Councillor Taylor referred to the preamble to Minute 4 and reported that he had now received a response from the Director of Adult, Community and Housing Services in relation to the introduction of a policy for deceased client's balances.

RESOLVED

That the minutes of the meeting held on 9th July, 2013, be approved as a correct record and signed.

17. CHANGE IN ORDER OF BUSINESS

That, pursuant to Council Procedure Rule 13(c) it was

RESOLVED

That agenda item number 12 – Annual Audit Report in relation to the Directorate of the Urban Environment - be considered as the next item of business.

18. EXCLUSION OF THE PUBLIC

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

Description of Item

Relevant Paragraphs
of Part I of Schedule
12A

Annual Audit Report in relation to the 2 and 7
Directorate of the Urban Environment

19. ANNUAL AUDIT REPORT IN RELATION TO THE DIRECTORATE OF THE URBAN ENVIRONMENT

A report of the Treasurer was submitted on the Audit work undertaken in the Directorate of the Urban Environment for the financial year 2012/13 and incorporating details of the more important findings.

Arising from comments and queries made on the report, and Appendices to the report, submitted it was noted that, in relation to post audit questionnaires that arrangements had been put in place to ensure that such questionnaires were completed and that a higher rate of completion would be reported for the financial year 2013/14.

RESOLVED

That the findings of the 2012/13 audit work, be accepted.

20. EXTERNAL AUDIT FINDINGS REPORT 2012/13 AND REVIEW OF THE COUNCIL'S ARRANGEMENTS FOR SECURING FINANCIAL RESILIENCE

A report of the Treasurer was submitted presenting to the Committee two reports from the Council's external auditors, Grant Thornton UK LLP in relation to Audit Findings Report 2012/13 and Review of the Council's Arrangements for Securing Financial Resilience.

The Committee were also presented with the Letter of Representation from the Council to the external auditors for approval and signing.

In his introduction of the report, the Treasurer referred to the Council's Letter of Representation, attached as Appendix 3 to the report, and reported that the first sentence of paragraph ix should be deleted as there were no material misstatements requiring adjustment.

Ms K Bellingall then commented on the content of Appendix 1 in relation to the Audit Findings Report 2012/13 and in so doing reported that it was anticipated that the external auditors would provide an unqualified opinion on the financial statements and propose to give an unqualified value for money conclusion. As indicated previously it was also commented that there were no outstanding misstatements. The action plan at Appendix A to the report raised no issues regarding compliance.

Arising from the presentation given of the content of the Audit Findings Report 2012/13 a number of questions were asked to which responses were given.

Simon Turner then presented the content of Appendix 2 –Review of the Council's Arrangements for Securing Financial Resilience. Overall, the external auditors were satisfied that adequate arrangements were in place. The executive summary to the report set out areas of review and the management response to them in each case.

RESOLVED

1. That the information contained in the report ,and Appendices 1 and 2 to the report submitted on the Audit Findings Report 2012/13 and Review of the Council's Arrangements for Securing Financial Resilience, reports from the Council's external auditors, Grant Thornton UK LLP, be received and noted.
 2. That the Letter of Representation, as amended at the meeting, attached as Appendix 3 to the report submitted, be approved and signed by the Treasurer and the Chair of this Committee.
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21. CODE OF CONDUCT FOR EMPLOYEES

A report of the Director of Corporate Resources was submitted on the Code of Conduct for Employees which, following an annual review had resulted in minor amendments to the Code as indicated in paragraph 4 of the report submitted.

During the consideration of this matter the Assistant Director HR and Organisational Development undertook to inform Councillor K Turner direct regarding his queries as to whether there had been any instances of confidential reporting i.e. whistle blowing and if so how many there had been.

RESOLVED

That the information contained in the report, and Appendix 1 to the report, submitted on proposed amendments to the Code of Conduct for Employees, be noted and that the Council be recommended to adopt the revised Code of Conduct for Employees as set out in Appendix 1 to the report submitted.

22. STATEMENT OF ACCOUNTS 2012/13

A report of the Treasurer was submitted presenting the Statement of Accounts to the Committee for consideration and approval and to inform them of the outcome of the audit of the accounts. The Statement of Accounts, and the audit of them, are the main formal and public reports on the financial standing of the authority. A copy of the Statement of Accounts for the year ended 31st March 2013 had been circulated separately to members and was considered as Appendix 1 to the report submitted.

The Treasurer gave a visual presentation on the Statement of Accounts with particular reference to the Movement in Reserves Statement referred to in paragraphs 9-12 of the report submitted and on pages 12 and 13 of Appendix 1. It was noted that after transfers to and from earmarked reserves, the year end balance on the General Fund had increased by £7.196 million from £12.204 million to £19.400 million. This was consistent with the outturn reported to Cabinet.

Arising from the consideration given to this matter and the asking of questions the Treasurer agreed to respond direct to all Members of the Committee on the question raised regarding the reasons why expenditure on the Housing Revenue Account in relation to supervision and management had increased from 2011/12 to 2012/13.

RESOLVED

That the information contained in the report, and Appendix 1 to the report, on the Statement of Accounts 2012/13, be noted and that the Statement of Accounts be approved and signed by the Chair of this Committee.

23. ANNUAL GOVERNANCE STATEMENT

A report of the Treasurer was submitted on the Annual Governance Statement to accompany the accounts for the financial year 2012/2013.

RESOLVED

That the information contained in the report, and Appendices to the report, submitted on the Annual Governance Statement be noted and that the Annual Governance Statement as set out at Appendix C be approved and referred to the Leader of the Council and Chief Executive for signature.

24. TREASURY MANAGEMENT

A report of the Treasurer outlining treasury activity during the financial year 2012/13 and in the current financial year up to August, was submitted.

RESOLVED

That the information contained in the report submitted, on Treasury Management Activity during the financial year 2012/13 and in the current financial year up to August, 2013, be noted and referred to full Council at its meeting to be held on 7th October, 2013.

EXCLUSION OF THE PUBLIC

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 I of Schedule 12A to the Local Government Act, 1972, as indicated below; and that in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exception from disclosure.

<u>Description of Item</u>	<u>Relevant Paragraphs of Part I of Schedule 12A</u>
Audit Services Interim Performance Report	2 and 7
Report required under Standing Orders	2 and 7

AUDIT SERVICES INTERIM PERFORMANCE REPORT

A report of the Treasurer was submitted updating the Committee on Audit Services Performance and other related information.

Following a presentation of the content of the report and related Appendices to the report submitted, lettered A to E, particular comments were made in relation to paragraph 12 of the report in respect of training and in relation to Appendix E – Audit and Standards Committee Skills Questionnaire – 2013.

In addition to the comments made in paragraph 12 of the report as regards training it was also noted that information arising from a separate survey referred to would be contained in the next report on Audit Services Interim Performance to be submitted to the Committee.

Regarding Appendix E it was considered that the questionnaire, as possibly updated, could be used and that further consideration should be given to this matter at the next meeting of the Committee when the latest guidance for Members of Audit Committees would be available from CIPFA and would be made available to members of the Committee with the intention of having a discussion at the meeting as to the training that members would like to see provided.

RESOLVED

That the information contained in the report, and Appendices to the report, submitted on an update on Audit Services Interim Performance and other related information, be noted and that further consideration be given to Appendix E to the report and related issues as to the training for members of this Committee at the next meeting of the Committee to be held in December, 2013.

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REPORT REQUIRED UNDER STANDING ORDERS

A report of the Treasurer was submitted on any cases arising under Standing Orders 3.2 and 9.8 requiring a report to this Committee.

RESOLVED

That the information contained in the report, and Appendix A to the report, submitted on two cases reported under Standing Order 3.2.4, be noted.

The meeting ended at 8 p.m.

CHAIR

LICENSING SUB-COMMITTEE 2

Tuesday 17th September, 2013 at 10.10 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillors Bills, Cowell and Taylor

Officers: -

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

1 ELECTION OF CHAIR

In the absence of the chair (Councillor Russell) it was

RESOLVED

That Councillor Bills be elected chair for this meeting of the Sub-Committee only.

(Councillor Bills in the Chair)

2 APOLOGY FOR ABSENCE

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

3 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Bills was serving as a substitute member for Councillor Russell for this meeting of the Sub-Committee only.

4 DECLARATIONS OF INTEREST

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

5 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 27th November, 2012, be approved as a correct record and signed.

6 APPLICATION FOR REVIEW OF PREMISES LICENCE – SANDHARS SUPERMARKET, 69 WELLINGTON ROAD, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Sandhars Supermarket, 69 Wellington Road, Dudley.

Mr B Sandhar, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together his Solicitor, Mr P Burke; Mrs S Sandhar, wife and employee, and Mr S Sandhar, brother and employee.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Officer, both from the Directorate of the Urban Environment; and WPC N Lees and PC A Baldwin, both Licensing Officers from West Midlands Police.

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

Mr King then 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 licensing objective, namely, the prevention of crime and disorder due to the poor management of the premises following the discovery of counterfeit alcohol for sale on 24th July, 2012 and 16th August, 2012 in direct contravention of the licensing objectives.

Mr King further stated that on 24th July, 2012, during a routine advisory visit, an officer found and seized five 1ltr bottles of Glens Vodka from the shelving behind the shop counter at the premises as it was suspected that they were displaying counterfeit duty paid labels on the rear. Mr B Sandhar, who was present at the premises, was given a Traders Notice 0362 as a receipt for the seizure.

The manufacturer of the spirits had confirmed that although the bottles were genuine, they were manufactured for the export market with export labels attached. It was concluded that at some point the bottles had been intercepted and counterfeit UK Duty Stamp labels applied to avoid the excise duty payable to HMRC.

A second inspection of the premises was undertaken on 16th August, 2012, together with a BBC film crew who were filming for a forthcoming TV series centred on the role of Trading Standards officers. On entering the premises, introductions were given to Mr B Sandhar who was again present at the premises.

It was noted that during the examination of the stock of alcohol that was displayed in the premises, an officer found a 70cl bottle of Glens Vodka displayed on the shelving behind the counter. Mr Sandhar was then asked whether he had any additional bottles of Vodka in the store, which he did not respond to, and then disappeared into the rear of the premises. Following Mr Sandhar's return, officers were directed to the rear storeroom in order to check any stock.

During the inspection of the storeroom, an officer found eight cases of Vodka on a shelving unit hidden under a blanket, containing sixty bottles altogether. It was noted that there were two cases of 70cl bottles of Glens Vodka containing twenty-four bottles, all of which appeared to have counterfeit rear duty labels displayed on the rear of the bottles.

It was noted that there were also five cases of 70cl bottles of Premier Vodka containing thirty bottles hidden under a blanket. It was believed that this Vodka was manufactured in Italy but the maker and importer could not be confirmed, and although the bottles displayed an excise duty stamp on the rear label, HMRC were unable to confirm whether it was genuine. When challenged, Mr Sandhar denied any knowledge of the vodka, which was then seized and Mr Sandhar was given a Traders Notice 0367 as receipt for the seized vodka.

The manufacturer of the spirits had confirmed, as in the previous seizure, the bottles were genuine and manufactured for the export market with export labels attached, and at some point the bottles had been intercepted and counterfeit UK Duty Stamp labels applied to avoid the excise duty payable to HMRC. The estimated cost of duty evasion in relation to the seized bottles was £487.

On 28th November, 2012, Mr Sandhar attended the offices of Trading Standards for an interview under caution. During the interview Mr Sandhar stated that his brother, Mr S Sandhar, had been responsible for the purchase of the Vodka, and that his brother, who was in India at the time of the interview, had bought the Vodka from a retailer, Mr Atwal, who had previously owned the Select and Save store on the High Street in Dudley.

During the interview, Mr Sandhar produced a receipt dated 20th February, 2012 which identified that the Glens Vodka had been sold to the Select and Save business by a company named Express Food and Drinks Ltd, based in Sheffield. It was noted that the manufacturer indicated that the vodka seized on 24th July, 2012 was not manufactured until 16th April, 2012 and was not in existence on the date shown on the invoice submitted. Further enquires identified that Express Food and Drinks Ltd had left its base in Sheffield in April, 2011, and the receipt was believed to be a forged document manufactured to 'legitimise' the sale of the vodka.

It was also noted that enquiries were made with Mr Atwal, who informed officers that when his business closed down all stock was sold to a family who had opened up a new business in Dudley. He refuted Mr Sandhar's story that the remaining alcohol stock was sold to the Sandhar's, and confirmed that when his business closed there was no alcohol to sell apart from six bottles of cider which he kept for himself.

Mr S Sandhar was then interviewed under caution on 21st May, 2013, where he corroborated Mr B Sandhar's account in full. He confirmed that he bought the Vodka from Mr Atwal's father, and that his brother was unaware of the business transaction.

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

At this juncture, a number of Glens Vodka that were seized on 24th July, 2012 from the premises were tabled to highlight how they were identified as counterfeit. Mr Wintrip stated that although it would be difficult for customers and retailers to identify whether the bottles were counterfeit, a receipt would be issued if the bottles were purchased from a reputable wholesaler.

WPC Lees raised concerns following Trading Standards representations, in respect of the explanations given by Mr Sandhar of how the alcohol was purchased.

Mr Burke then presented the case on behalf of his client, Mr B Sandhar, and in doing so stated that the premises was a family run business for over thirty years and employed ten members of staff. He also stated that there were no issues or problems, and that the seizures had highlighted the need for training.

It was noted that since the seizure by Trading Standards, all employees in attendance at the hearing had undertaken training in relation to the Licensing Act 2003.

It was further noted that Mr S Sandhar had submitted an application for a Personal Licence, as it was the intention that the position of Designated Premises Supervisor would be transferred to him.

Reference was made to the representations presented by Trading Standards, in particular in respect of the purchasing of the alcohol from Mr Atwal. Mr Burke stated that the alcohol was purchased as a 'favour' to a friend, and he questioned why Mr Atwal had not contacted Mr Sandhar upon hearing that the bottles seized were counterfeit.

Mr Burke further stated that he understood the concerns raised, however Mr Sandhar was adamant that the circumstances surrounding the purchasing of the alcohol was genuine, and that it was evidenced with a receipt given by Mr Atwal. He further stated that he had received a number of telephone calls from retailers in regard to seizure of bottles of Glens Vodka, and it was apparent that this was a recurrent issue.

Mr Burke made reference to the conditions suggested by Trading Standards, and stated that Mr Sandhar would be in agreement with the conditions proposed, and suggested additional conditions should the Sub-Committee be minded to consider instead of revocation or suspension.

In responding to questions raised in respect of the alleged sale of alcohol from Mr Atwal to Mr Sandhar, it was noted that Mr Sandhar received a receipt from Mr Atwal but did not check for inaccuracies, as he believed the product was genuine. Mr Burke further stated that the alcohol had been hidden under a blanket as Mr Sandhar had not paid for the alcohol and would be sold as separate stock to give to Mr Atwal.

Reference was made to the statements undertaken during the interview of Mr B Sandhar and Mr S Sandhar, and concerns were raised in respect of the discrepancies between the statements and lack of communication between members of staff.

In responding to a question by the Chair, Mr Burke confirmed that various staff members would purchase and collect stock for the premises.

In responding to a question by the Chair, Mrs Sandhar confirmed that she maintained the business receipts, and all employees worked hard and trusted each other in order to maintain the business, and that there had been no issues or problems with the accounts since the opening of the premises. It was further noted that Mrs Sandhar was on holiday during the seizure of the counterfeit bottles.

In responding to queries raised by the Legal Advisor in relation to a further one 70cl bottle of Glens Vodka found behind the counter during the second inspection on 16th August, 2012; Mr Burke stated that Mr Sandhar believed that all counterfeit bottles had been seized during the first inspection in July, 2012, and that it may have been placed on the shelf by another member of staff.

In responding to a question raised by a member in relation to training, it was noted that when Mr Sandhar had applied for his personal licence, he had received training in respect of the Licensing Act 1964, however he had since undertaken training in Licensing Act 2003.

In responding to concerns raised by a member in relation to the management of stock, Mr Burke stated that this was a 'one-off' incident and that the normal practice was to purchase alcohol from a cash and carry outlet.

In summing up, Mr King, on behalf of Trading Standards, stated that during an investigation at the premises counterfeit alcohol was discovered for sale on 24th July, 2012 and 16th August, 2012, and asked the Sub-Committee to consider the facts presented.

In summing up, Mr Burke on behalf of Mr B Sandhar stated that this was the first incident during a long period of time whilst Mr Sandhar had been at the premises. He further stated that Mr Sandhar was adamant that the circumstances surrounding the purchase of the alcohol was true.

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

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

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the premises licence issued to Sandhars Supermarket, 69 Wellington Road, Dudley be suspended for a period of four weeks, and that Mr B Sandhar be removed as the Designated Premises Supervisor.

The following conditions will be attached to the premises licence: -

Conditions

- (1) All alcohol purchased for sale on the premises must only be purchased from a recognised, reputable and traceable wholesaler.
- (2) All alcohol purchased for sale on the premises must be covered by a receipt. The receipt will be on headed notepaper bearing the name, address and contact number of the supplier together with their VAT and company registration number where appropriate. These receipts will be kept in a file for a minimum of 2 years and must be made available for inspection, on demand, by an officer of a responsible authority.

Mr Sandhar was informed of his right to appeal the decision of the Sub-Committee.

REASONS FOR DECISION

This is an application for a review of the premises licence, brought by trading standards on 27th June, 2013, as a result of trading standards confiscating five, one litre bottles of Glens Vodka, on 24th July, 2012. It was believed at the time of the seizure, and later confirmed, that the duty labels on the back of the five bottles were counterfeit, and that U.K. duty had not been paid on the product. Trading Standards evidence was that whilst an average member of the public would not be able to identify the labels as counterfeit, a person in the trade, purchasing them should have known because 1) the bottles would not have been sold through a reputable cash and carry and (2) the price would have been less than that in a cash and carry. Despite a request, no receipt was initially provided for their purchase.

On 16th August, 2012 a further one bottle of 70cl Vodka was found in the Supermarket. Mr Bakhtawar Sandhar stated that there were no further bottles in store, but Trading Standards found 60 further bottles of alcohol hidden under a blanket on a shelving unit in the store room. 24, 70cl bottles of Vodka were found to have counterfeit duty labels. 30 bottles were believed to have been bought from Italy and brought into the country unlawfully.

A receipt was provided for the purchase of the vodka, which the Premises Licence Holder states he was given by a Mr Atwal, owner of a business called Select and Save, which was closing down. Trading Standards stated that the receipt from a store in Sheffield was a forgery and the receipt was dated 20th February, 2012, but that the Sheffield business had left the address on the receipt some 10 months prior to this date. Mr Sandhar states that he did not check the receipt. He also stated that the stock was under a blanket, because it was not part of the stock. However, despite 5 one litre bottles being seized, a further one 70cl bottle was put on the shelf and found on 16th August, 2012. In evidence, the three members of the family running the business could not really explain why a bottle was on sale on 16th August, 2012, despite the previous seizure, and stated that another member of staff (there are 10 in total employed in the shop) could have brought it out. It therefore appears that the stock, allegedly under a blanket to keep it separate, may still have been entering the shelves after 24th July, 2012.

The Sub-Committee finds that this business has not been managed properly in order to meet the licensing objectives. Despite the business being put on notice that 5 bottles of Vodka were counterfeit on 24th July, 2012, the remainder of the purchase was found in the store room on 16th August, 2012, with one bottle on the shelf for sale. It is not acceptable for alcohol to be stored in the store room, under a blanket, when it was apparently not for sale. At best, this is mismanagement of the premises, but with the additional culpability that the business was on notice that bottles from the same purchase were counterfeit. These should not have been in the store.

The Sub-Committee has heard that the business intends to replace Mr Bakhtawar Sandhar as Designated Premises Supervisor. The Sub-Committee however takes the step of removing him as the Designated Premises Supervisor in the light of his mismanagement of these premises. Whilst it is beyond the power of this Sub-Committee, Mr Sital Sandhar has been equally culpable in the poor management of the business, and it would not deem him to be a suitable Designated Premises Supervisor.

In order for this business to appoint a new Designated Premises Supervisor, and ensure that its store room, particularly with regard to alcohol, is managed properly, the Sub-Committee suspends the premises licence for four weeks and imposes the two conditions onto the premises licence, recommended by Trading Standards.

7 APPLICATION FOR REVIEW OF PREMISES LICENCE –
SUPERSTOP, 135 PRIORY ROAD, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Superstop, 135 Priory Road, Dudley.

Mr T Raj, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together with his Solicitor, Mr Campbell, Ms K Nisar, Interpreter, and Mr Raj's son.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Officer, both from the Directorate of the Urban Environment; and WPC N Lees and PC A Baldwin, both Licensing Officers from West Midlands Police.

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

Mr King then 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 licensing objective, namely, the prevention of crime and disorder due to the poor management of the premises following the discovery of counterfeit alcohol for sale on 28th June, 2013 in direct contravention of the licensing objectives.

Mr King further stated that on 28th June, 2013, during a routine inspection of the premises in relation to the sale of age restricted products, an officer found two 1ltr and two 70cl bottles of Glens Vodka displayed on the shelving behind the counter. On checking the bottles it appeared that they were displaying counterfeit duty paid labels on the rear of the bottles. The bottles were then seized and placed in a sealed evidence bag.

During the questioning of Mr Raj, he stated that the bottles had been purchased from a cash and carry outlet but did not specify which store. Mr Raj was then requested to submit the relevant receipt for the purchase of the alcohol.

The manufacturer of the spirits had confirmed that although the bottles were genuine, they were manufactured for the export market with export labels attached. It was concluded that at some point the bottles had been intercepted and counterfeit UK Duty Stamp labels applied to avoid the excise duty payable to HMRC.

It was noted that the cases and bottles would not be available through the normal secure supply chain and reputable cash and carry outlets, and therefore would have been obtained on the black market.

It was further noted that on 15th August, 2012, Trading Standards together with West Midlands Police, carried out a test purchase at the premises to determine compliance with the law on the sale of alcohol to children. On that occasion, a sixteen year old female child test purchase volunteer purchased a 70cl bottle of Caribbean Twist Mixed Mango with 4% alcohol by volume. The application for review of the premises licence was considered by a Sub-Committee on 30th October, 2012 where it was resolved that additional conditions would be attached to the premises licence.

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

In responding to a question by Mr Campbell in relation to the bottles seized, Mr Wintrip confirmed that the number of bottles seized were relatively small compared to other establishments, and that the alcohol was genuine.

At this juncture, the Sub-Committee adjourned to read the statements submitted by Mr Raj and his employee Ms Harjinder Kaur.

In responding to a question raised by Mr Campbell in relation to the invoices submitted together with Mr Raj's statement which identified that Glens Vodka had been purchased from the cash and carry outlet, Mr King stated that he considered the questioning to be inappropriate, however although the invoices identified some purchases it did not provide a full account.

Reference was made to the conditions suggested by Trading Standards, it was noted that Mr Raj was in agreement with the conditions proposed.

PC Baldwin then presented the representations of West Midlands Police, including statements provided by police officers, and in doing so informed the Sub-Committee that the Police had carried out checks on the police systems and that there was no recent intelligence in relation to counterfeit goods at the premises and no recent reports of crime or disorder at the premises.

PC Baldwin further stated that there had been a number of calls and problems in the area in relation to youths and gangs hanging around the shop, purchasing alcohol and cigarettes and damaging local properties, street furniture and causing anti-social behaviour.

She further stated that police officers had observed an intoxicated man purchasing alcohol from the premises from an attendant named Mr A Johal.

In responding to comments made by PC Baldwin, Mr Campbell stated that there were no evidence or call logs to support the complaints made. In responding, PC Baldwin responded that the majority of the calls from residents would have been direct to the local Neighbourhood Team who would either deal with the matter directly or place an intelligence log onto the system; therefore it would be impossible to submit any formal record of evidence.

In responding to a question by Mr Campbell, PC Baldwin stated that officers visited the premises on 2nd July, 2013 following the seizure. It was noted that Mr Raj was not present at the premises, and officers spoke to Mr Johal who contacted Mr Raj who stated that he would return to the premises within an hour. When officers returned at the suggested time, Mr Raj was not present, and contact details were given for Mr Raj to contact West Midlands Police, however no contact had been received.

With reference to the alleged sale made to a drunken man, Mr Campbell stated that West Midlands Police were not present in the premises at the time of the sale, and therefore would be unable to determine whether the man appeared to be intoxicated or that Mr Johal knowingly sold the alcohol. In responding, PC Baldwin stated that the statements submitted suggested that the officers deemed the man to be intoxicated, and that the incident was highlighted to the Sub-Committee to evidence the poor management of the premises.

Mr Campbell then presented the case on behalf of Mr Raj, and in doing so Ms Nasir, on behalf of Mr Raj, stated that Mr Raj operated two businesses, including Super Stop and another located in Wolverhampton. Ms Nasir further stated that Mr Raj had never purchased alcohol and not paid duty tax, and that he usually purchased his stock from cash and carry outlets, namely, Soho and Bookers, who would provide him with an invoice.

Ms Nasir stated that Mr Raj had spoken to Ms H Kaur following the seizure of the counterfeit bottles, who confirmed that some men purchased vodka from the store for a party, only to return it two hours later, stating they wished to exchange it for whisky.

In responding to a question by Mr Campbell in relation to the training provided to Mr Johal; Ms Nasir stated that Mr Raj informed Mr Johal to not sell alcohol or cigarettes to persons under the age of eighteen or who appeared to be intoxicated. It was noted that refusals were regularly made at the premises.

In responding to comments made in respect of the contact between Mr Raj and West Midlands Police, Ms Nasir interpreted that officers would walk past the premises on a regular basis, and that no concerns were raised directly to Mr Raj.

In responding to questions asked by Mr Campbell, Ms Nasir stated that Mr Raj did not sell alcohol to persons under the age of eighteen, and described measures that had been implemented in the premises such as:

- (1) CCTV system installed both inside and out of the premises
- (2) Challenge 25 policy, which required identification such as passport or driving licence.
- (3) Posters displayed highlighting the need for identification, and in relation to purchasing alcohol for those under the age of eighteen.
- (4) All new employees undertook training together with a written test, and refresher training given.
- (5) Regular staff meetings every four weeks.

In response to a request made by Mr King, Mr Raj read out his statement, which was submitted to the Sub-Committee. It was noted that the statement had been drafted by Mr Campbell and later interpreted to Mr Raj.

Reference was made to Mr Raj's statement, in particular, his belief that his premises had been targeted by fraudsters, however he did not report the alleged fraud to West Midlands Police at the time of the seizure.

In responding to a question by Mr King in relation to the procedures in place if customers wished to return alcohol, Ms Nasir interpreted that the normal practice was to either refund or replace the alcohol with another product. It was noted that items such as sandwiches and unsealed goods would not be re-stocked on the shelves, and that Mr Raj did not maintain a record of returns. Mr Raj stated that in future he would request a customer's name and address should they wish to return any products.

Arising from Ms Kaur's statement, Ms Nasir interpreted that Mr Raj believed the statement to be true, and that four men substituted the four bottles of Vodka seized maliciously, as retaliation for Ms Kaur not returning advances.

In responding to a question by Mr King, it was noted that Mr Raj always bought his stock from cash and carry outlets, therefore the circumstances surrounding the counterfeit bottles provided was the only possible explanation, as there had never been a similar incident during the period Mr Raj had operated the business.

In responding to a question by Mr King, it was noted that Mr Raj attended the premises at various times during the day, as he also visited his other business in Wolverhampton. He stated that his son-in-law reviewed CCTV footage and informed him of any problems.

In responding to a question by Mr Wintrip, Ms Nasir interpreted that Mr Raj was unable to provide a till receipt for the bottles sold on 28th June, 2013, as he did not issue till receipts, preferring to write all sales in a notebook.

Following concerns raised in regard to Mr Raj's apparent lack of English, it was noted that Mr Raj did have a basic understanding of English and was able to communicate and train employees in Punjabi.

In summing up, Mr King, on behalf of Trading Standards, stated that during an investigation at the premises counterfeit alcohol was discovered for sale on 28th June, 2013 and raised concerns that he had not been assured that the premises would be managed at a safe level or in accordance with the licensing objectives.

In summing up, PC Baldwin, on behalf of West Midlands Police, echoed the concerns raised by Trading Standards, and that she had concerns in relation to how the premises were being managed.

In summing up, Mr Campbell, on behalf of Mr Raj, reiterated comments made in respect of the evidence presented by Trading Standards and West Midlands Police. He further stated that there was no dispute in respect of the seizure, as it had been demonstrated that the bottles were counterfeit, however the explanations submitted by Mr Raj and Ms Kaur were plausible. He further stated that Mr Raj accepted all the conditions suggested, and that they would be sufficient enough to uphold the licensing objectives.

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

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

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr Raj be removed as the Designated Premises Supervisor in respect of the premises, Super Stop, 135 Priory Road, Dudley.

The following conditions will be attached to the premises licence: -

Conditions

- (1) All alcohol purchased for sale on the premises must only be purchased from a recognised, reputable and traceable wholesaler.
- (2) All alcohol purchased for sale on the premises must be covered by a receipt. The receipt will be on headed notepaper bearing the name, address and contact number of the supplier together with their VAT and company registration number where appropriate. These receipts will be kept in a file for a minimum of 2 years and must be made available for inspection, on demand, by an officer of a responsible authority.

Mr Raj was informed of his right to appeal the decision of the Sub-Committee.

REASONS FOR DECISION

This is an application for a review of a premises licence, brought by Trading Standards, in the light of it seizing 4 bottles of counterfeit Vodka on 28th June, 2013. The vodka itself was genuine, but the duty labels are counterfeit and U.K. duty had not been paid on it. Mr Tilak Raj was asked for a receipt for the 4 bottles of counterfeit Vodka, none has been provided.

There had also been a failed test purchase on 5th August, 2012 at Super Stop, and the Licensing Sub-Committee attached conditions to the premises licence on 30th October, 2012.

The Police adduced statement evidence that on 19th June, 2012 at 14:06 hrs, 3 police officers spoke to a man named Colin, who had been assaulted, and had facial injuries, on who's breath they could smell alcohol. Two officers formed the view that he was drunk, and observed him being unsteady on his feet, and his speech slurred. One officer described him as extremely drunk. Within a few minutes of that police interview, he was observed to purchase alcohol from Super Stop, from an attendant named Aaron Johal.

Mr Johal stated that he noted the facial injuries but did not believe the man was drunk. Upon the evidence before the Sub-Committee, it finds that the man Colin was clearly drunk, and this was obvious to an observer. The sale was refused by one store before Super Stop, and should not have been made.

Mr Raj relies upon the evidence of an employee, Ms Harjinder Kaur, that on 7th June, some men purchased vodka from the store, only to return it 2 hours later, stating they wished to exchange it for whisky. This request was apparently granted but the store keeps no specific sale records to add weight to this submission. Mr Raj states today that the 4 bottles of Vodka seized were in fact the four bottles substituted maliciously by these men, as retaliation for Ms Kaur not returning a certain (unnamed) man's advances. Ms Kaur and Mr Raj state that they believe that this man sent the men to deliberately substitute counterfeit Vodka. For this to be a credible and effective malicious act, the man would have to have believed that these counterfeit bottles would be found (just three weeks later) by trading standards. Without this seizure, the alleged fraud would have had no impact on the store. The vodka was genuine in quality and not a risk to customer health or safety.

The Sub-Committee cannot understand the motive for this alleged fraud, except to cause the store to fall foul of a trading standards inspection. This would be an elaborate plan indeed.

Mr Raj has given evidence that he buys all his vodka from Cash and Carry, and has put numerous receipts before the Sub-Committee dated December, 2012 – May, 2013. He has however stated that he has no way of recording receipts and sales and no way of evidencing the exchange of goods in June, 2013, because he does not have automatic till receipts. The Cash and Carry receipts are all pre June, 2013.

The Sub-Committee finds that this premises is not being managed appropriately and in accordance with the licensing objectives. The Sub-Committee therefore takes the step of removing Mr Raj as the Designated Premises Supervisor, so that a competent Designated Premises Supervisor can be appointed. It also attaches the two conditions put forward by trading standards, and accepted by Mr Raj.

The Sub-Committee has not attached any weight to the more general police evidence.

8 APPLICATION FOR HOUSE TO HOUSE COLLECTIONS
LICENCE – HEART UK (INTERSECOND 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 Intersecond Ltd on behalf of the charity known as Heart UK.

It was noted that the applicant was not in attendance and notification of the non-attendance had not been received.

RESOLVED

That the grant of a House to House Collections Licence in respect of Intersecond Ltd be deferred to a future meeting of a Sub-Committee.

The meeting ended at 2.35 pm

CHAIR

TAXIS COMMITTEE

Thursday, 12th September, 2013 at 5.30 p.m.
In Committee Room 3 at the Council House, Dudley

PRESENT:-

Councillor Body (Chair)

Councillors A Ahmed, Mrs Ameson, Cowell, Hemingsley, Roberts, Taylor and K Turner

Officers:-

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

36

APOLOGY FOR ABSENCE

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

37

DECLARATIONS OF INTEREST

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

38

MINUTES

Arising from consideration of this item, reference was made to Minute No. 34, Grant of Hackney Carriage Driver's Licence – Mr BA. It was noted that a warning as to his future conduct should have been included in the resolution.

In response to a suggestion raised at the previous meeting in relation to letters being circulated to drivers outlining the amendment of the private hire/hackney carriage vehicle licence policy, Mr Holder undertook to investigate whether the letters had been circulated to all drivers and Bases.

In response to concerns raised, Mr Holder undertook to ensure that a letter was circulated to all Bases reminding them of the necessity for all private hire vehicles to display their badges and back plates.

RESOLVED

That, subject to the inclusion of a warning as to his future conduct in the resolution of Minute No. 34 – Grant of Hackney Carriage Driver's Licence – Mr BA, the minutes of the meeting of the Committee held on 6th August 2013, be approved as a correct record and signed.

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 Private Hire and Hackney Carriage Drivers' Licences – Mr SH	1
Review of Hackney Carriage Driver's Licence – Mr AH	1
Review of Private Hire Driver's Licence – Mr AH	1
Review of Private Hire Operator's Licence – Mr ZA	1
Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr MS	1
Grant of Private Hire Driver's Licence – Mr HS	1
Grant of Hackney Carriage Driver's Licence – Mr IK	1

REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR SH

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 SH in the light of a complaint received.

Mr SH was in attendance at the meeting, and responded to questions asked by the Committee in respect of an incident on 6th June, 2013.

In responding to a question from the Chair, Mr SH confirmed that the content of the report presented by Mr Holder was correct.

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

RESOLVED

That, following consideration of the information contained in the report submitted, and as reported at the meeting, the private hire and hackney carriage drivers' licences issued to Mr SH be suspended for a period of one month in the light of the complaint received.

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

41

REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR AH

A report of the Director of Corporate Resources was submitted on a review of the hackney carriage driver's licence issued to Mr AH in the light of the medical information contained in the report submitted. Particular reference was made to information in Appendix one confirming that the results of Mr AH's test were found to be positive for Cannabis.

Mr AH was not in attendance at the meeting, and notification had been received from Mr AH's father stating that Mr AH would not be available to attend the hearing.

Having decided to hear the matter in his absence, Mr Holder then presented the report submitted.

This matter had been previously considered at the meeting of the Committee held on 18th October, 2012, when a decision was made that, subject to the receipt of a satisfactory drug test, Mr AH be granted a hackney carriage driver's licence for a period of three months. Following receipt of a satisfactory medical certificate and a resolution to undertake a further drug test within six months, Mr AH's licence had subsequently been renewed and bore the expiry date of 21st October, 2013.

Following discussion it was

RESOLVED

That, following consideration of the information contained in the report submitted, and as reported at the meeting, the hackney carriage driver's licence issued to Mr AH be revoked in the light of the medical information received.

42

REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR AH

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr AH in the light of the medical information contained in the report submitted. Particular reference was made to information in Appendix five that stated that the medical practitioner involved considered that Mr AH was medically fit to be licensed as a private hire or hackney carriage driver, however Mr AH would still be required to undertake a medical examination every twelve months.

Mr AH was in attendance at the meeting together with his representative and son, Mr J Tiyar, and Mr S Saleem, supporter.

Following presentation of the report submitted, the Assistant Director (Law and Governance) outlined recent changes in legislation in respect of Mr AH's medical condition, and the conditions that the Committee may be minded to attach to his private hire driver's licence to enable him to continue as a taxi driver and not compromise public safety.

Mr AH responded to questions asked by the Committee, and in doing so stated that he was in agreement with the suggested conditions.

RESOLVED

That, subject to the following conditions being attached to the private hire driver's licence, no further action to be taken in relation to the review of the private hire driver's licence issued to Mr AH.

Conditions

- (1) Mr AH must undergo a medical examination every twelve months with the Council appointed medical advisor.
- (2) Mr AH must be able to demonstrate to the Council's appointed Doctor, an awareness of hypoglycaemia, and the risks involved with the disease.
- (3) Mr AH must regularly monitor his condition by checking his blood glucose levels at least twice daily and at times relevant to driving. A glucose meter with a memory function must be used.
- (4) At the medical examination, the Council appointed Doctor must have sight of Mr AH's blood glucose levels for the previous three months.
- (5) Mr AH must sign an undertaking to comply with the directions of the Doctor(s) treating the diabetes, and to notify immediately to the Licensing Office any significant change in his condition.

the private hire operator's licence issued to Mr ZA in the light of the information contained in the report submitted.

Mr ZA was in attendance at the meeting, together with his supporters Mr Saleem and Mr Amir.

Mr ZA made representations commenting on the circumstances surrounding his failure to renew his private hire operator's licence, and in doing so 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, Mr ZA receive a warning as to his future conduct.

44 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 12, 13, and 11

45 GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR HS

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 Mr HS.

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

Mr Saleem made representations on behalf of Mr HS in particular commenting on the circumstances surrounding a caution received in July, 2008.

Mr HS 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, Mr HS be requested to undertake a drugs test by the Council's Doctor and that, if satisfactory, the grant of a private hire driver's licence to Mr HS for a period of three months be approved by officers under

delegated powers, and that any future renewals be dealt with by officers under delegated powers, provided that Mr HS had no offences pending at the time of renewal.

46

GRANT OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR IK

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 Mr IK.

Mr IK was in attendance at the meeting and responded to questions asked by the Committee, and in doing so 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 application made for the grant of a hackney carriage driver's licence in respect of Mr IK be refused in view of the offences for which he had been convicted.

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

47

GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR MS

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 MS.

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

Following a brief discussion it was

RESOLVED

That consideration of the application made for the grant of a private hire and hackney carriage drivers' licences in respect of Mr MS be deferred to a future meeting of the Committee, and that a letter be sent to Mr MS stating that should he fail to attend the hearing the application be heard in absence.

The meeting ended at 7.00 p.m.

CHAIR

MEETING OF THE CABINET

Wednesday, 18th September, 2013 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Sparks (Leader of the Council) (Chair)
Councillor Lowe (Deputy Leader)
Councillors K Ahmed, Branwood, Crumpton, Foster, S Turner, Waltho
and Wood

together with the following Opposition Group Members appointed to
attend meetings of the Cabinet:-

Conservative Group - Councillors Harley, Miller, Mrs Simms, K Turner
and Wright

OFFICERS:-

The Chief Executive, Director of Adult, Community and Housing
Services, Director of Children's Services, Director of Corporate
Resources, Director of the Urban Environment, Director of Public
Health, Treasurer, Assistant Director of Corporate Resources (Human
Resources and Organisational Development) and the Democratic
Services Manager, together with other officers

19 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of
Councillors James, Partridge and Vickers.

20 CHANGE IN REPRESENTATION OF MINORITY GROUP MEMBER

It was reported that Councillor Miller was serving in place of Councillor
Vickers for this meeting of the Cabinet only.

21 DECLARATIONS OF INTEREST

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

22

MINUTES

RESOLVED

That the minutes of the meeting of the Cabinet held on 20th June, 2013, be approved as a correct record and signed.

23

CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and the Treasurer was submitted on progress with the implementation of the Capital Programme and proposing certain amendments to the Programme.

The Cabinet Member for Finance responded to a question concerning the allocation of Adult Social Care funding. The Cabinet Member for Regeneration responded to issues concerning rapid charging points for electric vehicles and stated that the matter was referenced in the Planning for Health Supplementary Planning Document (see Minute No. 28 below).

The Cabinet Member for Children's Services and the Leader of the Opposition Group placed on record their thanks to all involved in the bid for resources from the Demographic Growth Capital Fund in relation to Pens Meadow Special School.

RESOLVED

- (1) That the results of the Post Completion Review of capital projects, as set out in Appendix B to the report now submitted, be noted.
- (2) That the Council be recommended:-
 - (a) That current progress with the 2013/14 Capital Programme as set out in Appendix A to the report now submitted be noted.
 - (b) That the expenditure on the modernisation of Tiled House Lane Residential Care Home be approved and included in the Capital Programme, as set out in paragraph 4 of the report now submitted.
 - (c) That the additional expenditure at the Oak Lane Traveller Site be approved and included in the Capital Programme, as set out in paragraph 5 of the report now submitted.

- (d) That in respect of Mary Stevens Park, Stourbridge, the Director of the Urban Environment be authorised to accept the Heritage Lottery Fund (HLF) grant funding; the Director of Corporate Resources be authorised to sign the necessary funding agreements with HLF; and the capital element of the project be included in the Capital Programme, as set out in paragraph 6 of the report now submitted.
- (e) That in respect of Rapid Charging Points for Electric Vehicles, the Director of the Urban Environment be authorised to accept the funding; the project be included in the Capital Programme; and the Director of the Urban Environment be authorised to agree the locations for the charging points and procure and install the equipment in consultation with the Cabinet Member for Transport, as set out in paragraph 7 of the report now submitted.
- (f) That the Outdoor Gym project be approved and included in the Capital Programme, as set out in paragraph 8 of the report now submitted.
- (g) That the funding allocation in respect of the post-16 provision at Pens Meadow Special School be noted, and the project included in the Capital Programme, as set out in paragraph 9 of the report now submitted.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers).

A report of the Chief Executive was submitted on corporate performance for the period 1st April to 30th June, 2013. The Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee had considered the report on 5th September, 2013.

RESOLVED

- (1) That the corporate quarterly performance management report be approved.
 - (2) That the consideration of the report by the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee be noted.
-

25

LOCALISM ACT 2011 – THE COMMUNITY RIGHT TO CHALLENGE

A report of the Director of Corporate Resources was submitted on a proposed policy regarding the requirement to respond to the Community Right to Challenge provisions contained in the Localism Act 2011. The policy was set in a wider context of community involvement in accordance with the principles of establishing Dudley as a Community Council.

RESOLVED

- (1) That the policy to deal with the Community Right to Challenge be approved and the wider context be noted.
- (2) That the proposed level and stages of decision making, as set out in the report now submitted and the associated policy and guidance documents, be approved.

(This was a Key Decision with the Cabinet named as Decision Taker).

26

ADOPTION OF THE HALESOWEN AREA ACTION PLAN

A report of the Director of the Urban Environment was submitted on the Halesowen Area Action Plan.

RESOLVED

That the Halesowen Area Action Plan be approved and recommended to the Council for adoption.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers).

27

ADOPTION OF THE STOURBRIDGE AREA ACTION PLAN

A report of the Director of the Urban Environment was submitted on the Stourbridge Area Action Plan.

RESOLVED

That the Stourbridge Area Action Plan be approved and recommended to the Council for adoption.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers).

28

APPROVAL FOR ADOPTION OF THE PLANNING FOR HEALTH
SUPPLEMENTARY PLANNING DOCUMENT

A report of the Director of the Urban Environment was submitted on the Planning for Health Supplementary Planning Document.

Members commented on the need for effective partnership working with strategic health partners in order to practically implement the provisions of the document to meet shared objectives.

RESOLVED

That the Planning for Health Supplementary Planning Document be approved and adopted.

(This was a Key Decision with the Cabinet being named as Decision Taker).

29

REPORT OF THE INDEPENDENT REMUNERATION PANEL ON
MEMBERS' ALLOWANCES

A report of the Director of Corporate Resources was submitted presenting recommendations from the Independent Remuneration Panel on a review of the Members' Allowances Scheme.

In connection with this item, the Leader of the Opposition Group commented that consideration should be given to reducing the number of Councillors to two per ward to achieve further financial savings alongside a more fundamental review of the Members' Allowances Scheme. The Chief Executive was requested to consider this issue taking account of the relevant legislative requirements and other considerations.

RESOLVED

That the recommendations set out in the report of the Independent Remuneration Panel be referred to the Council for approval.

30

THE LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW
LETTER 2012/13

A report of the Director of Corporate Resources was submitted on the Annual Review Letter for 2012/13 from the Local Government Ombudsman and information in respect of complaints received against the Council and dealt with by the Ombudsman's office over the year ending 31st March, 2013.

RESOLVED

- (1) That the information contained in the report and the Appendix be noted and that the Chief Executive and Directors be requested to:-
 - (a) Review their internal arrangements, as appropriate; and
 - (b) Continue to ensure that requests for information on complaints received are dealt with by the date requested; this will ensure that responses can be submitted to the Ombudsman's office within the timescale set and the Council's excellent performance on response times can be maintained.
- (2) That all Directorates continue to impose rigorous monitoring of complaint activity to ensure ongoing good practice and a continued reduction in complaints being received.
- (3) That the Annual Review Letter be posted on the Council's website.

31

ISSUES ARISING FROM SCRUTINY COMMITTEES

No issues were reported under this item.

32

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.

Description of Item

Relevant paragraph of Part 1 of Schedule 12A

Staffing Issue – Directorate of Corporate Resources

1

STAFFING ISSUE – DIRECTORATE OF CORPORATE RESOURCES

A report of the Director of Corporate Resources was submitted on a proposal to terminate the contract of an employee (HW) on the grounds of redundancy in accordance with the Council's redeployment and retraining policy.

RESOLVED

That the termination of the contract of employment of the employee referred to in the report now submitted (HW) be approved, on the grounds of redundancy, in accordance with the terms and conditions set out in the report.

The meeting ended at 6.45pm

LEADER OF THE COUNCIL