

# **SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE**

**WEDNESDAY 19<sup>TH</sup> DECEMBER 2012**

**AT 10.00 AM  
IN THE COUNCIL CHAMBER  
AT THE COUNCIL HOUSE  
DUDLEY**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

**JOE JABLONSKI**  
**ASSISTANT PRINCIPAL OFFICER (DEMOCRATIC SERVICES)**  
Internal Ext – 5243  
External – 01384 815243  
E-mail – [josef.jablonski@dudley.gov.uk](mailto:josef.jablonski@dudley.gov.uk)

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**Dudley**  
Metropolitan Borough Council

## **IMPORTANT NOTICE**

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**Our Ref:**  
JJ/JJ

**Your Ref:**

**Please Ask For:**  
Mr J Jablonski

**Telephone No:**  
01384 815243

11th December, 2012

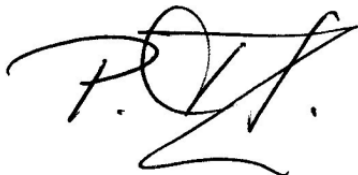
Dear Councillor,

**Special Meeting of Licensing and Safety Committee –19th December, 2012**

You are requested to attend a Special Meeting of the Licensing and Safety Committee to be held on Wednesday, 19th December, 2012, commencing at 10.00 am in the Council Chamber at the Council House, Dudley, to consider the business set out in the agenda below.

The agenda and public reports are available on the Council's Website [www.dudley.gov.uk](http://www.dudley.gov.uk) and follow the links to Councillors in Dudley and Committee Management Information System.

Yours sincerely



Director of Corporate Resources

**A G E N D A**

**1. APOLOGIES FOR ABSENCE**

To receive apologies for absence from the meeting.

2. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' Code of Conduct.

3. MINUTES

To approve as a correct record and sign the minutes of the Meeting of the Committee held on 12<sup>th</sup> September, 2012 (copy attached).

4. QUARRY BANK (ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACE) ORDER 2013 (PAGES 1 - 14)

To consider a report of the Director of Corporate Resources

5. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8(IF ANY)

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To:- Members of the Licensing and Safety Committee: -

Councillors Mrs Ameson, M Aston, Bills, Blood, Cowell, K. Finch, Herbert, James, Roberts, Russell, Taylor and Woodall

## **SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE**

Wednesday, 12<sup>th</sup> September, 2012 at 6.00 pm  
in Committee Room 3, The Council House, Dudley

### **PRESENT:-**

Councillor Bills (Chair)  
Councillors Mrs. Ameson, M Aston, K Finch, James, Roberts, Russell,  
Taylor and Woodall.

### **Officers:-**

Trading Standards Manager (Directorate of the Urban Environment),  
Licensing Officer, Mr T Holder, Solicitor and Miss K Fellows (Directorate  
of Corporate Resources).

### **Also in Attendance**

Sergeant J Bloomer West Midlands Police.

### 5. **OPENING REMARKS OF THE CHAIR**

The Chair welcomed the return of Councillor Woodall following a period  
of illness and thanked all those Members who have acted as substitutes  
for Councillor Woodall during that period.

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### 6. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of  
Councillors Blood, Cowell and Hanif.

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### 7. **DECLARATIONS OF INTEREST**

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

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### 8. **MINUTES**

#### **RESOLVED**

That the minutes of the Meeting of the Committee held on 24th  
May, 2012, be approved as a correct record and signed.

9. GAMBLING POLICY

A report of the Director of Corporate Resources was submitted on the responses to the consultation of the Council's draft Gambling Policy. Appended to the report submitted were the draft Gambling Policy and emails and letters regarding the consultation on the Policy.

RESOLVED

- (1) That the information contained in the report, and appendices to the report submitted, be noted.
  - (2) That the Cabinet be recommended to recommend to Council that the draft Gambling Policy, as set out in Appendix 1 to the report submitted, be approved.
- 

10. REVIEW OF POLICY FOR HOUSE TO HOUSE COLLECTIONS LICENCES

A report of the Director of Corporate Resources was submitted on the review of the application procedure policy for House to House Collections Licences.

The Chair introduced the report submitted, stating that she has had requested that the application procedure policy for House to House Collections Licences be reviewed and outlined the reasons for that request.

In presenting the report submitted, the Licensing Officer outlined the reasons for the proposed amendment to the policy indicated in paragraph 9 of the report.

The Licensing Officer also suggested that the Council arrange to a press release in order to raise public awareness in relation to those collections that were legitimate and those which were not.

In responding to a Member's question in relation to requesting proof of identification from collectors, Sergeant Bloomer outlined the risks in opening doors to strangers.

The Trading Standards Manager suggested that as a means of raising public awareness the contact number for Trading Standards should be included in order that possible enforcement action could be taken against the perpetrators of bogus collections.

Following further discussion it was

## RESOLVED

- (1) That the information contained in the report submitted, be noted.
- (2) That the Cabinet be recommended to recommend to Council that the Policy for House to House Collections Licences be amended in accordance with the provisions set out in paragraph 9 of the report submitted.
- (3) That the Licensing Officer in conjunction with Trading Standards and the Police arrange a press release in order to raise public awareness relating to legitimate and bogus house to house collections.

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### 11. UNDERAGE SALES

A joint report of the Director of Corporate Resources and the Director of the Urban Environment was submitted on the work undertaken in partnership with the Police, Trading Standards and Licensing in relation to the sale of alcohol to children under the age of 18.

Sergeant Bloomer reported that the Police received approximately three to four hundred calls each month in relation to alcohol fuelled anti social behaviour and under age drinkers were reluctant to identify where the alcohol was purchased or by whom.

He also advised that all intelligence was shared with Trading Standards in order that enforcement action could be taken and test purchasing undertaken.

The Trading Standards Manager advised that the effects of anti social behaviour was a major problem for all involved and work was conducted with the Police and the Safe and Sound Partnership in order to tackle the problems. He indicated that mapping intelligence was undertaken in order that resources could be targeted in the most appropriate areas given the limited funding available to deal with under age sales.

He also outlined Trading Standards powers of enforcement and referred to the results achieved for 2010/11 and 2011/12 as contained in paragraph seventeen of the report submitted.

Members supported the work undertaken by all parties involved in relation to under age sales.

Councillor James raised concerns in relation to purchasing alcohol by utilising self service check outs in major supermarkets and the Trading Standards Manager undertook to the investigate the matter and respond direct to Councillor James.

In responding to a question from Mr T Holder, Solicitor, the Trading Standards Manager advised that the Home Office had issued guidance in relation to enforcement action stating that the action should be a proportionate response and that the guidelines were followed by Trading Standards Officers and that persistent offenders were usually prosecuted.

In responding to a question from a Member the Licensing Officer advised that enforcement action would be taken against the premises and not the individual and that strong partnership work continued with the Police, Trading Standards and the Licensing sections of the Council.

#### RESOLVED

That the information contained in the report submitted, and as reported at the meeting on the work undertaken to combat the sale of alcohol to children under the age of 18, be noted and that the thanks of the Chair, on behalf of the Committee be recorded to the Police, Licensing and Trading Standards for the work conducted in order to combat underage sales.

The meeting ended at 6.45pm

CHAIRMAN



**Licensing and Safety Committee – 19<sup>th</sup> December 2012**

**Report of the Director of Corporate Resources**

**Quarry Bank (Alcohol Consumption in Designated Public Place) Order 2013**

**Purpose of Report**

1. To consider an Order making Quarry Bank a designated public place where the consumption of alcohol would be prohibited other than the curtilage of licensed premises.

**Background**

2. As Members will be aware, Halesowen Town Centre, Stourbridge Town Centre, Dudley Town Centre, Lye High Street, Mary Stevens Park and Winword Common, Sedgley Town Centre and Brierley Hill Town Centre and Stourbridge Bus Station, Stourbridge Old Quarter, Woodsetton and Upper Gornal and Coseley have been designated under Section 13 of the Criminal Justice and Police Act 2001 as places where the consumption of alcohol in public (apart from the curtilage of licensed premises) is banned.
3. West Midlands Police have approached the Council to request that a similar Order be made in respect of Quarry Bank.
4. On the 19<sup>th</sup> November 2012 the West Midlands Police submitted a report summarising the problems with the excess consumption of alcohol and associated problems in Quarry Bank. The Police have also submitted a significant number of detailed incident logs, in relation to the proposed area, to support this report. A copy of the proposal is attached as Appendix 1.
5. In view of the large number of police incident logs and the need for verification, the Chair and Vice-Chair have agreed to inspect the logs prior to this meeting. This will enable them to both verify and answer any questions, Members may have, in relation to the logs at the Committee meeting.

6. Although the Police already have powers to confiscate alcohol from any person who is or appears to be under the age of 18, the benefit of making an Order under Section 13 is that it provides the Police with the power of arrest which is both an important deterrent and a valuable method of enforcement in dealing with this type of anti-social behaviour.
7. In order to make an Order designating a public place, the Council must be satisfied that:-
  - (a) nuisance or annoyance to members of the public or a section of the public;  
or
  - (b) disorder

has been associated with the consumption of intoxicating liquor in that place.

The report from the Police provides sufficient evidence to satisfy this requirement for the proposed designated area.

8. When a public place has been designated, a Police Constable has the following powers if they reasonably believe that a person is, or has been, consuming alcohol within the designated public place or intends to do so:-
  - (a) the Constable may require the person concerned:-
    - not to consume anything which the Constable reasonably believes to be alcohol
    - to surrender any alcohol in their possession
  - (b) the constable may dispose of anything surrendered to them in an appropriate way
  - (c) any person who fails without reasonable excuse to comply with a requirement imposed by a Constable, commits an offence for which they may be prosecuted in the Magistrates Court.
  - (d) A Constable has the power to arrest any person who commits an offence.

### **Procedure for making an Order**

9. There is a statutory procedure, which must be followed if the Council wish to make an Order under this legislation. First before making an Order, the Council must consult with the Chief Officer of Police and the licensee of any licensed premises within the designated area, of which the Council considers may be affected by the designation. Reasonable steps must be taken to consult the owners or occupiers of any land proposed to be identified. Any representations received as a result of the consultation must be taken into account.

10. Before making an Order, the Council must also publish a notice in the local newspaper:-
  - (a) identifying specifically, or by description, the place proposed to be identified:
  - (b) setting out the effect of an Order being made in relation to that place; and
  - (c) inviting representations as to whether or not an Order should be made.
11. An Order cannot be made until at least 28 days after the publication of a public notice.
12. After making an Order, but before it takes effect, the Council must again publish in a local newspaper a notice:-
  - (a) identifying the place which has been identified in the Order:
  - (b) setting out the effect of the Order in relation to that place; and
  - (c) indicating the date on which the Order will take effect.
13. Before an Order takes effect, the Council must erect within the designated area, such signs as the Council considers sufficient to draw the attention of members of the public in that place to the effect of the Order. A copy of that Order must also be sent to the Secretary of State.
14. The proposed area to be designated is shown on the plan attached at Appendix 2.
15. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.

### **Finance**

16. The cost of signage has previously been met on a 50:50 basis from area grants and police funding.

### **Law**

17. The relevant statutory provisions referred to in this report as contained in Sections 12-13 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001.

## **Equality Impact**

18. This report has no direct implications. The making of an Order will help the Police to tackle the growing problem of under-age drinking in public places.

## **Recommendation**

19. It is recommended that the Committee consider whether a Designation Order for Quarry Bank as proposed in Appendix 1, should be introduced in principle, and authorise the Director of Corporate Resources to undertake the necessary consultations and publish a notice in a local newspaper.



.....  
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L Rouse  
Telephone: 01384 815377  
Email: [liz.rouse@dudley.gov.uk](mailto:liz.rouse@dudley.gov.uk)

## **List of Background Papers**

1. Correspondence with West Midlands Police



Mr Phil Tart  
Director of Law and Property  
Dudley Metropolitan Borough Council  
3-5 St James' Road,  
Dudley, West Midlands, DY1 1HZ

Stourbridge Police Station  
New Road  
Stourbridge  
DY8 1PF

Switchboard: 0845 113 5000\*  
Tel. Ext: 7909 6648  
Please ask for: Sergeant Steve Gordon  
Direct Telephone:  
Facsimile: Internal:  
Email: [steve.gordon@west-midlands.pnn.police.uk](mailto:steve.gordon@west-midlands.pnn.police.uk)  
Crimestoppers: 0800 555 111  
Our Reference:  
Your Reference:

Date: 19/11/2012

Proposed Designation Order for Quarry Bank Under Section 12 Criminal Justice and Police Act 2001.

Dear Mr Tart

I would be extremely grateful if you would give consideration to the included proposal, made under Section 12(2) of the Criminal Justice and Police Act 2001.

Included in the proposal are supporting statistics and a map defining the proposed geographical area of the order.

I really believe that the introduction of this order would greatly improve the quality of life for many residents and visitors to the Quarry Bank area.

Yours sincerely

A handwritten signature in black ink, appearing to read "Steve Gordon", written over a horizontal line.

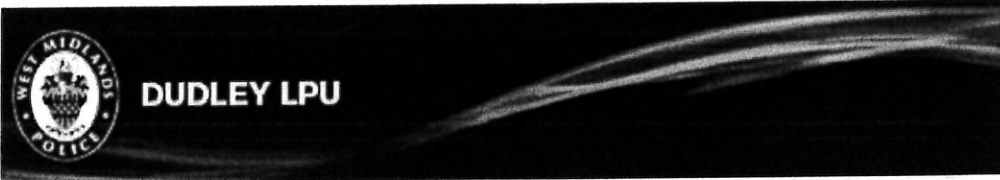
Steve Gordon  
Sergeant 8306  
Stourbridge Police Station



INVESTOR IN PEOPLE

Our Vision: To reduce crime and disorder and make our communities feel safer  
[www.west-midlands.police.uk](http://www.west-midlands.police.uk)

\*Calls may be monitored and/or recorded for security, quality control or training purposes



**Proposal for designation order for the  
Quarry Bank area for restricting the  
consumption of Alcohol in public places.**

**Section 12 of the Criminal Justice and Police Act 2001**

Officers Reporting: PC 5392 Reg Steele/PCSO 30063 Sarah Nixon,  
Stourbridge Police Station, New Road, Stourbridge, DY8 1PF  
Tel: 0345 113 5000 ext 7909 6646  
Email: [r.steele@west-midlands.pnn.police.uk](mailto:r.steele@west-midlands.pnn.police.uk)/  
[s.nixon@west-midlands.pnn.police.uk](mailto:s.nixon@west-midlands.pnn.police.uk)

**Introduction**

**Appendix 1 – Proposed prohibition areas**

**Appendix 2 – Legislation information**

## **Introduction**

Quarry Bank is in the Dudley area and is a popular traditional area which has a High Street, Park area, Industrial area and residential houses. There is a variety of fast food, take away restaurants' and off licences which generate a healthy night time economy. It is a popular location for local people to enjoy going out to the public houses and labour/liberal clubs to enjoy consuming alcohol safely and considerately.

The park area is in a good state of repair and many local people enjoy using the facility. The park contains a skate park which has seats and is a natural gathering place for younger people in the community, a play area, tennis courts, football pitch and memorial garden. The park is also enjoyed by dog walkers. There are several houses surrounding the park also.

Over the years quality of life in Quarry Bank, as other wards in Dudley, has been increasingly affected by a noticeable increase in individuals and groups of people consuming alcohol in public places. The increase in alcohol consumption has directly led to greater problems experienced by residents of the area. There are now several incidents/acts of anti social behaviour which have resulted in complaints to both Police and to the local authority. These have directly impacted on the quality of life for residents and the purpose of this report is to address the issues caused by excessive drinking of alcohol in public places. It can be seen that the behaviour has caused problems with noise, violence, damage to property and an increase in litter in the very areas designed to make Quarry Bank a nicer environment for residents. Several residents regularly report that they feel intimidated and threatened by groups of drunken individuals in the area who loiter in areas that everyone uses.

It is evident that both people over and under 18 are consuming alcohol in public areas. It is also believed that on some occasions over 18s are supplying younger friends and family members with alcohol – who will then proceed to consume alcohol in public places. The nuisance behaviour is also fuelled by groups taunting locals with their drunken behaviour. At present there are no powers to deal with people consuming alcohol in public places in Quarry Bank, unless they are under 18.

Local retailers have been spoken to, to prevent alcohol being served to these groups but this has not solved the problem. Test purchases have been run in conjunction with the local authority but this still leaves the area with issues. Regular patrols have been conducted by uniformed officers and officers in plain clothes to target the behaviour. There have been several seizures of alcohol in the area but this again is only scratching the surface of the issues. Several residents have voiced their concerns to Police and local councillors regarding the issues at meetings held in the locality. We are now also finding that in addition to people who reside in Quarry Bank, the introduction of bans in other areas have caused extra people to migrate into the area, thus making the issue greater.

The issues are further worsened by the amount of damage caused to the environment. Regularly there are several empty beer cans, signs of urination and glass bottles left strewn over the area. This then becomes a health hazard for people in the area as it is untidy and unhealthy. This clean up operation also puts extra strain on public services and ruins the appearance of the town to residents and visitors.

All of the above mentioned factors are obviously having a detrimental effect on the image of Quarry Bank.

It is greatly believed that this increase of issues can be quelled by the introduction of a drinking ban in public areas of Quarry Bank. Other areas such as Dudley, Brierley Hill and Sedgley have benefited greatly from this type of legislation. The areas report less anti social incidents that are fuelled by alcohol and a general sense of well being for communities that were experiencing issues. In fact there are no negative points raised that would suggest that the bans were a problem.

### **Summary**

In order to serve our communities and protect them from harm it is requested that areas where issues are occurring in Quarry Bank are designated as areas where there is a restriction of the consumption of alcohol. This will increase the trust and confidence that our communities have in the Police and Local authority.



## **Appendix 1 – Proposed prohibition areas**

Please see attached map that shows the proposed area for the prohibition. The area covers:

Quarry Bank High Street  
Stevens Park  
Dunns Bank  
Robin Hood Estate

There is a particular onus on the local authority to publicise the making and effect of this order. Any areas that are deemed not be suitable for the designation should be discussed and the map area may be altered to comply with valid reasons.  
( Section 13 (5) CIPA 2001. )

## **Appendix 2 – Legislation information**

**Section 12** of the Criminal Justice and Police Act 2001 is intended to reduce the incidence of disorder and public nuisance arising from alcohol consumption in designated public places. A police officer can require a person to cease drinking alcohol (or anything he reasonably believes to be alcohol) in the public place and can confiscate and dispose of the alcohol and its container. The person must be informed that failure to comply with the police officer's request, without reasonable excuse, is an offence.

**Section 13** of the Criminal Justice and Police Act 2001 allows Local Authorities to designate areas as public places, for which there will be a set procedure for so doing, as set out in the relevant Statutory Instrument (see note below).

**Section 14** denotes those areas which are not designated public places for the purpose of section 13.

## Alcohol consumption in designated public places

**Section 12** of the Criminal Justice and Police Act 2001 is intended to reduce the incidence of disorder and public nuisance arising from alcohol consumption in designated public places. A police officer can require a person to cease drinking alcohol (or anything he reasonably believes to be alcohol) in the public place and can confiscate and dispose of the alcohol and its container. The person must be informed that failure to comply with the police officer's request, without reasonable excuse, is an offence.

12(1) Subsection (2) applies if a constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to consume alcohol in such a place.

12(2) The constable may require the person concerned -

- (a) not to consume in that place anything which is, or which the constable reasonably believes to be, alcohol;
- (b) to surrender anything in his possession which is, or which the constable reasonably believes to be, alcohol or a container for alcohol.

12(3) A constable may dispose of anything surrendered to him under subsection (2) in such manner as he considers appropriate.

12(4) A person who fails without reasonable excuse to comply with a requirement imposed on him under subsection 12(2) commits an offence.

12(5) A constable who imposes a requirement on a person under subsection (2) shall inform the person concerned that failing without reasonable excuse to comply with the requirement is an offence.

### Notes

(i) Example of constable's request

"This is a designated public place in which I have reason to believe that you are / have been drinking alcohol. I require you to stop drinking and give me the container(s) from which you are/have been drinking and any other containers (sealed or unsealed) . I must inform you that failure to comply with my request, without reasonable excuse, is an offence for which you can be arrested".

(ii) Also see section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 for power to seize alcohol and containers from under 18 year olds; and section 146 of the Licensing Act 2003 for provisions in respect of sale of alcohol to under 18 year olds.

(iii) The Act allows the disposal of alcohol in both sealed and unsealed containers.

### **Alcohol - designated public place**

**Section 13** of the Criminal Justice and Police Act 2001 allows Local Authorities to designate areas as public places, for which there will be a set procedure for so doing, as set out in the relevant Statutory Instrument (see note below). Section 14 denotes those areas which are not designated public places for the purpose of section 13.

13(1) A place is, subject to section 14, a designated public place if it is-

- (a) a public place in the area of a local authority; and
- (b) identified in an order made by that authority under subsection (2).

13(2) A local authority may for the purposes of subsection (1) by order identify any public place in their area if they are satisfied that-

- (a) nuisance or annoyance to members of the public or a section of the public; or
- (b) disorder;

has been associated with the consumption of alcohol in that place.

13(3) The power conferred by subsection (2) includes power-

- (a) to identify a place either specifically or by description;
- (b) to revoke or amend orders previously made.

13(4) The Secretary of State shall by regulations prescribe the procedure to be followed in connection with the making of orders under subsection (2).

13(5) Regulations under subsection (4) shall, in particular, include provision requiring local authorities to publicise the making and effect of orders under subsection (2).

13(6) Regulations under subsection (4) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### Alcohol - places not designated as public places

**Section 14** of the Criminal Justice and Police Act 2001 as amended by section 26 of the Violent Crime Reduction Act 2006 denotes those areas which are not public places for the purposes of consuming alcohol in public places (ie consumption of alcohol in these places is allowed subject to regulation by other legislation).

14(1) A place is not a designated public place or a part of such a place if it is-

- (a) premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol;
- (aa) premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol;
- (b) a place within the curtilage of premises within paragraph (a) or (aa);
- (c) premises which by virtue of Part 5 of the Licensing Act 2003 may for the time being be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the last 30 minutes;
- (d) repealed
- (e) a place where facilities or activities relating to the sale or consumption of alcohol are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway related uses).

14(1A) Subsection (1B) applies to premises falling within subsection (1)(a) if:-

- (a) the premises licence is held by a local authority in whose area the premises or part of the premises is situated; or
- (b) the premises licence is held by another person but the premises are occupied by such an authority or are managed by or on behalf of such an authority.

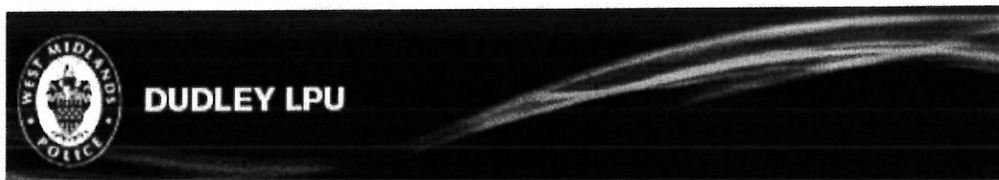
14(1B) Subsection (1) prevents premises to which this subsection applies from being, or being part of, a designated public place only:-

- (a) at times when it is being used for the sale or supply of alcohol; and
- (b) at times falling within 30 minutes after the end of a period during which it has been so used.

14(1C) In this section 'premises licence' and 'club premises certificate' have the same meaning as in the Licensing Act 2003.

14(2) repealed

END







**WEST MIDLANDS POLICE -  
DUDLEY LPU,  
QUARRY BANK & DUDLEY WOOD (DYDF)**

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