

COMMITTEE AND SUB- COMMITTEE MINUTES

**NOVEMBER 2013
TO
FEBRUARY 2014**

**AND
DELEGATED DECISION
SUMMARIES**

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

LIST OF MEETINGS

<u>Committee/Fora</u>	<u>Dates</u>	<u>Pages</u>	
		<u>From</u>	<u>To</u>
<u>COMMUNITY FORA</u>			
Coseley East and Sedgley	28/01/2014	CESCF/10	CESCF/13
Castle and Priory, St James's and St Thomas's	28/01/2014	CPSJSTCF/14	CPSJSTCF/18
Gornal and Upper Gornal and Woodsetton	29/01/2014	GUGWCF/15	GUGWCF/17
Netherton, Woodside and St Andrews and Quarry Bank and Dudley Wood	29/01/2014	NWSAQBDWCF/14	NWSAQBDWCF/19
Norton, Pedmore and Stourbridge East and Wollaston and Stourbridge Town	30/01/2014	TO FOLLOW	
Halesowen North and Halesowen South Community Forum	30/01/2014	HNHSCF/11	HNHSCF/13
Kingswinford North and Wall Heath, Kingswinford South and Wordsley	04/02/2014	TO FOLLOW	
Amblecote, Cradley and Wollescote and Lye and Stourbridge North	04/02/2014	TO FOLLOW	
Brierley Hill and Brockmoor and Pensnett	05/02/2014	BHBPCF/13	BHBPCF/16
Belle Vale, Hayley Green and Cradley South	05/02/2014	TO FOLLOW	
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Overview and Scrutiny Management Board	20/01/2014	OSMB/12	OSMB/17

Children's Services	19/11/2013	CS/9	CS/14
Corporate Performance Management, Efficiency and Effectiveness	20/11/2013	CPMEE/16	CPMEE/21
Urban Environment	27/11/2013	UE/14	UE/18
Urban Environment	12/12/2013	UE/19	UE/22
Urban Environment	22/1/2014	UE/23	UE/26
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Development Control

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Licensing Sub-Committee 4	10/12/2013	LSBC4/17	LSBC4/20

Taxis

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DUDLEY HEALTH AND WELLBEING BOARD

Dudley Health and Wellbeing Board	28/01/2014	DHWB/13	DHWB/23
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ERNEST STEVENS TRUSTS MANAGEMENT COMMITTEE

Ernest Stevens Trusts Management Committee	03/02/2014	TO FOLLOW	
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CABINET

Meeting of the Cabinet	05/12/2013	C/25	C/29
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ACTION NOTES OF THE MEETING OF COSELEY EAST/SEDGLEY COMMUNITY FORUM

Tuesday 28th January 2014 at 6.30 pm
at Christ Church C of E School, Church Road, Coseley

PRESENT:-

Councillor Caunt (Chair)
Councillor Ridney (Vice-Chair)
Councillors Baugh, Evans, Mottram and Mrs Westwood

Officers:-

Mr B Clifford (current Lead Officer to the Forum) (Assistant Director, Adult Social Care – Directorate of Adult, Community and Housing Services), Mr S Cooper (Prospective Lead Officer to the Forum) (Head of Strategic Asset Planning) and Mrs M Johal (both Directorate of Corporate Resources)

Together with ten members of the public.

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WELCOME AND INTRODUCTIONS

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

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LISTENING TO YOU – QUESTIONS AND COMMENTS FROM LOCAL RESIDENTS

Local residents raised issues and made comments as set out below.

Nature of issue/question/comment

- Given the budgetary cuts it was queried whether the number of local Ward Councillors should be reduced as it was considered that they did not have a substantial workload and reference was made to a particular Councillor that had attended only two meetings over a period of time. It was also commented that there were a number of Councillors that were from the same family and it was queried whether this should be allowed.
- An update on Sedgley Clinic was requested.

- Reference was made to the 7.5 tonne weight restriction on the Northway as requested at the last meeting and it was reported that the Group Engineer (Traffic and Road Safety) had indicated that the request would be added to a list in 2014-15 for assessment for possible inclusion in a future year's annual Traffic Regulation Order programme. However, it was requested that support be given for inclusion in the next available programme.
- Responses had not been received to matters raised at the last meeting regarding police speed pad, box junction at Ettymore Road exit and Wodehouse Island sign post. It was reported that since the last meeting there had been two incidents both reasonably attributed to speeding on the Northway.
- Parking on double yellow lines opposite Vicar Street was again raised and the inadequate parking for parents and it was commented that Enforcement Officers do undertake enforcement action in Sedgley.
- Reference was again made to the car park at Tenscore and comments made about no demand for pitches in the area was refuted as sports teams that had been spoken to had made contrary remarks and it was requested that the car park be opened at weekends as a minimum.

In responding to the above Members made the following points:-

- Councillors had varying workloads depending on the area they represented and the majority of Councillors worked hard; however some other Local Authorities had taken the route to reducing Councillors.
- Rumours about Sedgley Clinic were incorrect and only the mental health section were moving but other services would remain.
- With regard to traffic calming measures on the Northway an exercise to ascertain an average speed check was awaited and would be conducted during April or May. There had been no further progress with regard to weight restrictions.
- Regarding the issues raised Members gave a commitment that they would be involved and support residents however an undertaking could not be given until details of proposed actions were made available.
- With regard to the car park at Tenscore the Chair stated that the decision to close the car park had been taken due to several incidents of anti social behaviour and the barrier had now solved the problem and residents were happy.

WORKING WITH YOU – TOPICS RAISED BY LOCAL COUNCILLORS

Councillor Caunt referred to a number of comments that had been made in local press coverages regarding the massive cost for refurbishing the wall on Gospel End Road and that the Council had been overcharged. He stated that works undertaken as part of the project had been enormous and gave a breakdown of the full extent of the works involved which justified the costs and further added that the project had been financed under the Safer Routes to Schools Programme.

AREA GRANTS

A report of the Lead Officer was submitted on applications for funding. The Lead Officer also verbally reported on a further application that had been received from All Saints Church since submission of the report.

Following a request from Members the Lead Officer to the Committee undertook to provide a breakdown of figures on the funding available for each Ward in future reports.

AGREED TO RECOMMEND

1. That the Director of Corporate Resources approve the following:-
 - (a) A grant in the sum of £5000 to Upper Ettingshall Methodist Church towards the costs of enlarging the existing kitchen to the community café, improvement of the access and refurbishment of the meeting room.
 - (b) A grant in the sum of £3009.00 to Coseley Comets Youth Marching Band for the provision of 2 new drums for the marching band to replace outdated instruments.
 - (c) A grant in the sum of £549.99 to All Saints' Church for the purchase of a new cooker.
2. That the Director of Corporate Resources refuse the following:-
 - (d) A grant in the sum of £1700.00 to Sedgley & District Age Concern towards the redecoration of the day centre including the main hall, restroom and toilets for the reason that the Group had already benefited from a number of previous grants that had been awarded by the former Area Committee.

- (e) A grant in the sum of £5000.00 to Unit3sixty for funding towards a new skateboard park in Stourbridge for the reason that funding from the Community Forum should be allocated to local initiatives to directly benefit the people of Coseley East and Sedgley.
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DATE, TIME AND VENUE OF NEXT MEETING

It was noted that the next meeting of the Community Forum would be held on Tuesday, 18th March, 2014 at 6.30 pm at Age Concern, Ettymoor Road, Dudley, DY3 3SG.

The meeting ended at 7.30 pm

**ACTION NOTES OF THE MEETING OF
CASTLE AND PRIORY, ST. JAMES'S AND ST. THOMAS'S
COMMUNITY FORUM**

Tuesday, 28th January, 2014 at 6.30 p.m.
at St. Barnabas Church, Middlepark Road, Russells Hall Estate, Dudley

PRESENT:-

Councillor K. Finch (Chair)
Councillor A. Ahmed (Vice Chair)
Councillors Arshad, K. Ahmed, Ali, M. Aston, A. Finch and Roberts

Officers:-

M. Bowsher (Lead Officer to the Forum) Directorate of Adult, Community and Housing Services, J. Jablonski (Directorate of Corporate Resources) and A Winning (Chief Executives Directorate);
together with Councillor Foster (Cabinet Member for Regeneration), R. Dugdale (Directorate of the Urban Environment) and 22 members of the public

21. **WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting. Following general announcements, the Councillors and Officers introduced themselves.

It was noted that a presentation on Dudley Town Centre Regeneration would be considered as the first substantive item of business.

22. **APOLOGY FOR ABSENCE**

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

23. **DUDLEY TOWN CENTRE REGENERATION**

Councillor Foster, Cabinet Member for Regeneration was in attendance for this item and a presentation on aspects of Dudley Town Centre Regeneration was given by Rupert Dugdale. Following the presentation, a number of comments were made by members of the public and responses given by the Cabinet Member and the Cabinet Member for Transport, Councillor K. Ahmed. Principal points made were:-

- the general issue of car parking in the area;

- concern expressed at the number of eating houses in the Town Centre, particularly if they proved not to be profitable and subsequently had to close down;
- the condition of the Street Museum at Stone Street and the need for repair works to be carried out;
- the provision of toilets in the Town Centre, as a result of the works being carried out;
- the number of empty shops in High Street;
- the need for recognised shopping outlets to be provided in the Town Centre;
- concerns about the closure of New Street and the particular problem cited of people, in particular, disabled people, being unable to access Dudley Council Plus to pay bills if they could not use their vehicle;
- concerns raised about the consultation with traders in New Street;

The particular points made would be followed up as appropriate.

24. WORKING WITH YOU - TOPICS RAISED BY LOCAL COUNCILLORS

- Councillor A. Finch raised the issue of potholes and, in response, it was noted that the matters referred to had been dealt with satisfactorily;
- Councillor Roberts referred to the walk-in centre. It was noted that the current contract for the centre ended in September and it was hoped that there was enough evidence to enable a decision to be made as to the future of the centre in due course;

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

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

Nature of Question/Comments

- (1) Request for attention to footpaths and kerbs damaged from Broadmeadow down to Russells Hall Road and Middlepark Road sinking through laying of sewage pipes - action requested.
- (2) Gutter by the lamppost in Middlepark Road needs repair as it is filling up after the Council had unblocked it.
- (3) Attention requested to alleged wasted materials for repairs on houses left on site and then thrown away.

- (4) Request for a bin by the bus stop at the bottom of Corbyn Road.
- (5) Request that workmen clear up grass cuttings after work has been carried out.
- (6) Request for yellow lines down one side of Overfield Road, due to problems with parking, especially by Pearce Close.
- (7) Concerns about the litterbin by the bus stop in Overfield Road/ Pearce Close.
- (8) A date for the lighting in Pearce Close to be carried out, requested.
- (9) Request for the drains in Marston Road, Russells Hall to be looked at as they were over-flowing.
- (10) Request for an alternative number to contact someone regarding stray horses, especially at weekends as the number given was an answerphone.
- (11) Concerns about the bus route 222 in that buses were being missed out and were not arriving on a regular basis; or three buses were coming together.
- (12) The issue of the Health Centre moving to Russells Hall Hospital because of parking facilities.
- (13) Concerns about double parking in Ashenhurst Road.
- (14) Concerns over leaves rotting on walkways at the top of Kates Hill and drug use affecting access to bin rooms resulting in tenants having to keep their rubbish in their kitchens.
- (15) Concerns over the operation of a local Tenants' and Residents' Association which the Chair indicated would be looked into.
- (16) Concern about the Town Hall being so expensive that the Salvation Army could not now afford to use the venue for the Christmas Carol Service.
- (17) On-going concerns regarding Blackacre Road. In particular, why 60 people objected to the plan for Blackacre Road and the vast majority of local residents overwhelmingly rejected the plan and comments made about a further plan that had been introduced together with the effects of shutting Blackacre Road whilst diverting traffic onto smaller, more unsuitable roads. A comment was also made requesting where the 60 people resided.

- (18) Concerns over speeding, particularly in respect of lorries down Overfield Road and Middlepark Road, where the speed limit was 20-30 mph. The Cabinet Member for Transport indicated that he would arrange for this to be looked at.
- (19) Further concerns raised by a member of the public regarding a skid test on Wrens Nest Road raised at the last meeting of the Forum. The Cabinet Member for Transport indicated that he would look further into the matter.
- (20) A request for CCTV cameras in Dudley Library for the safety of the staff and public, given alleged use of the premises by persons under the influence of drugs/alcohol.
- (21) A request that to ease parking congestion in Overfield Road, double yellow lines be put down on both sides; travelling from Middlepark Road entrance place, double yellow lines down as far as the school on the right-hand side and double yellow lines down the left-hand side as far as the flats.
- (22) A request that should parking permits be issued to enable residents to park, the cost of the permit be a small admin charge to cover the Council's costs.
- (23) Concerns over the lack of consultation and information regarding the closure of New Street for Town Centre regeneration.
- (24) A request that the trees be lopped outside a property in Corporation Road as branches were interfering with an elderly persons telephone and television reception.
- (25) A request that the roundabout at the top of Russells Hall Road be looked at as too many accidents were happening at that location.
- (26) Concerns over the zebra crossing being placed so near the island at Coronation Gardens as the concern was that it was an accident waiting to happen.
- (27) A request that the Council consider re-opening New Street and using it as a relief road out of the town as there was enough congestion in the town as it was.

26.

AREA GRANTS

A report of the Lead Officer was submitted on applications for funding. In addition to the three applications contained in the report, consideration was also given to a request for funding from Unit 3 Sixty CIC deferred from consideration at the last meeting of the Forum.

AGREED:-

- (1) That the application received from the Destined to Reign Church be deferred for consideration at a future meeting of the Forum, so to enable further information to be obtained about the Church.
- (2) That the Director of Corporate Resources be recommended to:-
 - approve a grant in the sum of up to £2,536.94 arising from an application received from Dudley Senior Citizens' Forum for funding to purchase a large screen television, DVD player, brackets, installation, delivery charges and one year television licence fees.
 - approve the application received from Priory Park Boxing Club for funding of up to £4,950.00 for the purchase of a new boxing ring in order to realise membership growth and improve facilities envisaged in plans to extend the site.
 - refuse the application received from Unit 3 Sixty CIC for funding towards the provision of a skate park in the borough.

27. DUDLEY COMMUNITY INFORMATION DIRECTORY

The Lead Officer referred to information circulated at the meeting concerning a Dudley Community Information Directory.

28. NEXT MEETING

It was noted that the date of the next meeting of the Community Forum would be Monday, 17th March, 2014 at a venue to be confirmed.

The meeting ended at 8.00 p.m.

CHAIR

**ACTION NOTES OF THE MEETING OF GORNAL/UPPER GORNAL AND
WOODSETTON COMMUNITY FORUM**

HELD AT 6.30PM ON WEDNESDAY 29TH JANUARY 2014

AT THE UPPER GORNAL METHODIST CHURCH, KENT STREET, SPILLS MEADOW,
DUDLEY

PRESENT:-

Councillor Casey (Chair)
Councillor Branwood (Vice-Chair)
Councillors Mrs Ameson, A Aston, S Turner and Wright

Officers:-

Mr D Lowndes (Lead Officer to the Committee) (Assistant Director Culture and Leisure) – (Directorate of the Urban Environment) and Mrs K Buckle (Directorate of Corporate Resources).

Together with eighteen members of the public

17 INTRODUCTIONS BY THE CHAIR

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

18 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 question/comment.

- 1 A member of the East Street Residents Group, Lower Gornal handed in a Petition demanding for their central heating systems to be updated. It was also requested that double glazing be installed to properties due to the majority of residents suffering with health problems and being elderly. The same representative handed letters to the Ward Councillors.
- 2 A request for a pedestrian crossing outside the Pensioners Club in Upper Gornal. Councillor A Aston advised that a traffic survey on the area was to be undertaken and he would make enquiries as to when this would take place. Councillor Mrs Ameson also advised that she was to attend a site visit with the Council's Group Engineer, Mr P Vangeersdaele.

GUGWCF/15

- 3 Complaints were made of speeding traffic on the Ridgeway, Upper Gornal requesting that speed restrictions be put in place.

Councillor A Aston undertook to investigate the possibility of introducing 20 mile per hour restrictions in the area.

- 4 Concerns were raised in relation to the lack of parking facilities in Lake Street, Upper Gornal which was causing inappropriate parking causing difficulties with passing traffic and in particular buses. It was requested that consideration be given to making Lake Street a one way circular.

Councillor S Turner outlined the difficulties to local residents should parking restrictions be put in place and undertook to refer the matter to the appropriate Council Officer for the future consideration of a Traffic Regulation Order.

- 5 A resident referred to problems with badgers in Tenacre Close, Upper Gornal and the Lead Officer to the Forum undertook to advise the resident of any assistance that the Council could provide in dealing with the problem.
- 6 A request that the alleyway directly opposite the Parkes Hall Centre, Eve Lane be cleared.
- 7 A request that dog fouling signs be erected in Flavell Street, Upper Gornal and that enforcement officers parole the area.
- 8 A request that the triangle of land in Clarence Street, Upper Gornal be cleared. The Chair and Councillor A Aston undertook to investigate who owned the land and also any action could be taken against the landowner.

19 WORKING WITH YOU: TOPICS RAISED BY LOCAL COUNCILLORS

Following concerns raised by Councillor Wright, the Vice-Chair confirmed that installation of a Closed Circuit Television camera in Gornal Village would be linked to the live monitoring centre in Sedgley and the camera would be fully compliant with the legal requirements for such monitoring equipment.

20 COMMUNITY FORUM FUNDING

A report of the Lead Officer was submitted on three applications for funding.

AGREED TO RECOMMEND

1. That the Director of Corporate Resources approve the following:-

- (a) A grant in the sum of £5,000 to Upper Gornal Methodist Church previously approved by the North Dudley Area Committee with that funding still being available be re-affirmed together with a further grant of £5,000 from the Forum towards the cost of the provision of wheelchair and mobility access and the provision of off road disabled car parking spaces in order for the project to proceed.
 - (b) A grant in the sum of £3,300 from Upper Gornal Brownies towards the cost of activities planned to commemorate the 100th year of the Brownies.
2. That the Director of Corporate Resources refuse the application received from Age Concern for the sum of £1,700 to fund the redecoration of the Day Centre in Sedgley.
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21 DATE, TIME AND VENUE OF NEXT MEETING

It was noted that the next meeting of the Community Forum would be held on Tuesday, 18th March, 2014 at 6.30 pm at the Parkes Hall Social Club, Parkes Hall Road, Dudley.

The meeting ended at 7.20pm

**ACTION NOTES OF THE MEETING OF NETHERTON, WOODSIDE AND
ST ANDREWS/QUARRY BANK AND DUDLEY WOOD
COMMUNITY FORUM**

Wednesday 29th January, 2014 at 6.30 pm at
Dudley Wood Neighbourhood Learning and Community Centre, Pavillion
Gardens, Dudley Wood Road, DY2 0DB

PRESENT:-

Councillor Zada (Chair)
Councillor Cotterill (Vice-Chair)
Councillors Cowell, Sparks and Wood

Officers

Mr A Tromans – Lead Officer to the Forum (Information Systems Manager, ICT Services, Directorate of Corporate Resources), Assistant Director, Environmental Management, Ms Sian Evans – Head of Service (Directorate of Adult, Community and Housing Services), Mrs M Johal (Directorate of Corporate Resources) and Ms Nichola Dakin (Dudley Council Plus)

Also in Attendance

Councillor K Ahmed – Cabinet Member for Transport
Councillor A Ahmed
Councillor Perks

Together with eighteen members of the public.

17 **APOLOGY FOR ABSENCE**

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

18 **INTRODUCTIONS BY THE CHAIR**

The Chair welcomed everyone to the meeting of the Netherton, Woodside and St Andrews/Quarry Bank and Dudley Wood Community Forum and following the making of other general announcements the local Councillors and Officers introduced themselves.

19 **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 question/comment

- (a) A petition was submitted from Bowling Green Tenants and Residents Association on behalf of residents of the Beck Housing Estate requesting additional lighting due to anti social behaviour and for safety reasons. The petition would be referred to the Director of the Urban Environment for attention.

Councillor Cotterill stated that the issue had been ongoing for a long time and he reported that he would be meeting with the Cabinet Member for Transport with a view to pursuing the matter. It was requested that a copy of the petition also be sent to the Cabinet Member for Transport for his attention.

- (b) Problems with continuous water leakage on Heath Road and that Severn Trent or the Council were not taking any responsibility. The Lead Officer to the Committee undertook to refer the matter to the relevant Officer for a response.
- (c) It was queried why some people were allowed to leave additional black bags next to their full bins and have their bags collected, whereas others who did the same their bin bags would be left. The Assistant Director – Environmental Management asked for specific details on the issue and undertook to investigate the matter.
- (d) A question was asked on what the Council's policy was regarding wood burning stoves as some were giving out a smell that lingered in the air. The Lead Officer to the Committee undertook to provide a response to the relevant person.

Other Issues raised and/or answered on the evening:-

- A member of the public expressed concern that he was no longer able to hold the regular annual fair at Stevens Park unless permission was granted from the Friends of the Park Group. He gave reasons as to why they should be allowed to continue and sought support from the public and Members of the Forum. In response the Quarry Bank and Dudley Wood Councillors commented that several complaints had been received from members of the public regarding disturbance, heavy vehicles arriving in the early hours of the morning, ground damage and considerable improvements had been made to the park and therefore the decision had been taken to ban the fair and it was pointed out that there was a bigger fair located at an appropriate site at Merry Hill.

The Chair stated that the debate needed to continue with relevant Ward Councillors with a view to a resolution.

- In response to a query on when bins were being delivered to certain roads and streets, the Cabinet Member for Environment and Culture stated that Phase 3 of the rollout Programme had just started and would take six weeks to complete.
- Thanks were placed on record to the Cabinet Member for Environment and Culture for pursuing the matter about rubbish bags and drains being cleared in the area.

20

WORKING WITH YOU – TOPICS RAISED BY LOCAL COUNCILLORS

Councillor Cotterill referred to a meeting that he had recently attended relating to the right of way between Heath Road and Saltwells Road requesting for a barrier to be erected as there was a lot of fly tipping and was also used as a speed track. The issue was complex as part of the road was unadopted and the Council owned the bottom part of the Road and it was being requested that barriers be erected on the Council part of the Road.

Councillor Sparks thanked Officers for the erection of bollards on Park Road, Quarry Bank but stated that bollards were still needed on the bottom end of Park Road near the trees.

Councillor Wood expressed concern at the state of the building of the former Woodside Library and requested for an update on plans for its future and also the costs incurred whilst it remained empty.

Councillor Zada reported that he had arranged for a meeting to be held with the relevant Cabinet Member to discuss issues about Highways and that he would report back to the next meeting.

21

CHOICE BASED LETTINGS

Ms Sian Evans, Head of Service (Directorate of Adult, Community and Housing Services) was in attendance and verbally reported on the Choice Based Lettings process and responded to issues raised at the previous meeting.

Following the presentation a lengthy debate ensued and comments made by Members and members of the public included:-

- Reference made to a specific case whereby a high rise flat had been offered to someone with a young child which contravened the policy.
- An incident referred to whereby a couple had been offered a property and when they went to pick up the keys they were told that a mistake had been made and the property was withdrawn.

- It was considered that families were not sufficiently “vetted”, particularly tenants that came from outside of the Borough and it was queried whether the Council could take legal action if it could be proved that another Borough had supplied false references.
- Introductory tenancies should be introduced and that consideration should be given to undertaking visits to ascertain tenant history.
- There were varying instances when conflicting and incorrect information was being given by some Officers and staff at Dudley Council Plus.
- There was a lack of communication and differing responses relating to letting policies and also information could not be obtained from the Council on whether tenants were on benefits and private landlords would then resort to purposely issuing good references so that they could get rid of nuisance tenants.
- Complaints were made about the state of properties and the lack of enforcement. Housing Managers that did undertake visits ignored problems that they encountered and it was suggested that there should be an Estate Warden.
- One visit was undertaken during a probationary period of 12 months and a further visit was not undertaken until after 3 years and it was considered that another visit should be carried out at the end of the probationary period.
- Concerns were expressed that “turn on and test” checks were being undertaken when tenants had moved in which often left them without central heating for a period of time and it was suggested that these checks be undertaken whilst the property was in its void state.

Two written issues relating to the need for Estate Wardens and issues relating to a particular case and problems experienced would be referred to the Head of Service for consideration.

In responding to issues raised the Head of Service indicated that all calls and every contact that was made to Officers or Dudley Council Plus could be tracked and if there were retraining requirements this would be pursued. With regard to “vetting” it was explained that two references were requested, one regarding financial reliability and the other to ascertain tenant conduct and consideration was also currently being given to whether fixed term tenancies should be offered. With regard to undertaking visits it was pointed out that it would be difficult due to the high number of applications, however, changes to restrict tenants to having lived in the Dudley Borough were to be considered by Cabinet in February which would mean fewer applications and consideration could then be given to targeted visits.

Insofar as the property being offered and then withdrawn the Head of Service was extremely apologetic and commented that this was a rare instance and reported that face to face interviews were now being offered to explain the lettings process and ascertain people's requirements and that customer satisfaction had since increased. A new Anti-Social Behaviour Team had also been set up. The Head of Services explained that the gas checks referred to had to be carried out within 24 hours of the tenant moving in. She acknowledged that Housing Managers should be taking action if they witnessed any anti social behaviour or damage to properties and undertook to take this issue back and she asked residents to also report instances where Officers were failing to do their job.

In responding to further questions the Head of Service stated that there were 4,449 people on the waiting list, there were between 500 to 600 empty properties and she undertook to report back on the timescales for the average turnover of properties.

In conclusion the Chair asked that a further update be given to the next meeting on issues raised, progress and also improvements that had been made.

22

AREA GRANTS

A report of the Lead Officer was submitted on applications for funding. The Lead Officer also verbally reported on a further application that had been received from Netherton Regeneration Strategic Group since submission of the report.

The Chair reported that several applications had been received from the Netherton, Woodside & St Andrews Ward totalling £13,240 but the remaining budget for that Ward was at £536.89. He indicated that as the budget for the next financial year was not yet as known the applications would be refused in this instance due to insufficient funding and that applicants would be given the opportunity to reapply subject to funding being available in the next financial year.

AGREED TO RECOMMEND

That the Director of Corporate Resources refuse the following:-

- (a) A grant in the sum of £5000 to Dudley Disabled Learning Activities (DDLA) & Advice Centre for funding to provide equipment to enable the centre to put on functions and courses for disabled people and update of their building for the reason that there is insufficient funding available.

- (a) A grant in the sum of £760 to West Midlands Police – Quarry Bank & Dudley Wood Neighbourhood Police Team for funding to replace damaged/stolen “No Alcohol Zone” signs for the reasons that it was considered that this should be financed through the Police’s budget, the signs were not enforced by the Police, signs were erected in areas of Quarry Bank where there were no issues which created a false impression and that the signs blighted the area.
 - (c) A grant in the sum of £3240 to Holly Hall & Woodside Tenants’ and Residents’ Association for funding to provide tenants and residents in Holly Hall and Woodside the opportunity to dispose of bulky waste through the provision of skips for the reason that there is insufficient funding available.
 - (d) A grant in the sum of £5000 to Netherton Regeneration Strategic for funding to commemorate the anniversary of the First World War for the reason that there was insufficient funding available.
-

16

DATE, TIME AND VENUE OF NEXT MEETING

Noted that the next meeting of the Community Forum would be held on Monday 17th March, 2014 at Quarry Bank Community Centre, Sheffield Street, DY5 1EA.

The meeting ended at 8.15 p.m.

**ACTION NOTES OF THE MEETING OF HALESOWEN NORTH AND
HALESOWEN SOUTH COMMUNITY FORUM**

Held at 6.30 p.m. on Thursday, 30th January, 2014 at
Hurst Green Primary School, Narrow Lane, Halesowen

PRESENT:-

Councillor Hill (Chair)
Councillor Taylor (Vice Chair)
Councillors Bills and Vickers

Officers:-

S. Beckett (Customer Services Manager, Lead Officer) and S. Griffiths
(Democratic Services Manager) both Directorate of Corporate Resources

together with 17 members of the public

21 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors
Mrs Shakespeare and Woodall.

22 **WELCOME AND INTRODUCTIONS**

The Chair welcomed those present to the meeting.

23 **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:-

- (a) Question regarding the policy on resurfacing roads and dealing with
potholes; does the Council have an approved programme of resurfacing
and how long is the resurfacing work expected to last?
- (b) Request for action on the condition of Hobbs Shop in Halesowen; the
derelict garage in Birmingham Street Car Park and to replant the
removed trees in Peckingham Street and Hagley Street, Halesowen.

- (c) Request for the Cabinet Member for Transport to give an update on the review of the bus lanes in Halesowen Town Centre; these are considered to be ineffective and their removal would ease traffic congestion.
- (d) Request for a progress report on the situation concerning Maybrook House car park.
- (e) Problems associated with dog fouling and litter in Woodland Road, Olive Hill Road, Springfield Road and alleyways adjacent to Olive Hill School.

Other Issues raised and/or answered on the evening:-

- (a) Issues relating to potential Council budget savings, including the possibility of combining some Council Departments, savings on Committees and management costs and clarification of responsibilities. Reference was made to the ongoing budget consultation process.
- (b) Acknowledgement of recent improvements to the refuse collection and recycling service and assurances that the Council would be maintaining its weekly refuse collection service.
- (c) Concerns about specific bus routes and planned reductions by CENTRO. It was noted that individual issues should be raised with CENTRO through the appropriate consultation procedures.
- (d) The need to publicise the work and local projects undertaken through the Community Payback Team.

24 WORKING WITH YOU - TOPICS RAISED BY LOCAL COUNCILLORS

Reference was made to the opportunity for residents to make observations concerning a planning application for residential development on land at Narrow Lane, Halesowen. Reference was also made to the progress on the development of the Holt Farm School site.

25 AREA GRANTS

The Lead Officer reported on two applications for funding from the Community Forum local area grants budget.

Councillor Bills reported that the previously approved Leaps and Bounds funding had now been requested and gave a positive update on the project.

A representative of the Friends of Coombeswood Wedge was present at the meeting and addressed the Forum concerning their application.

AGREED TO RECOMMEND:

That the Director of Corporate Resources

- (1) Approve the application received from Lapal Colts Football Club for up to £1,598 for a set of goals to be used by members of the football club, school pupils and members of the scouts, guides and brownies.
- (2) Approve the application received from the Friends of Coombeswood Wedge for £442.18 to provide hand tools for use in conservation and footpath clearing projects, working in conjunction with Dudley Council wardens.

26

DATE, TIME AND VENUE OF NEXT MEETING

The next meeting of the Community Forum would be held at 6.30 p.m. on Wednesday, 19th March, 2014 at Lapal Primary School, Halesowen.

The meeting ended at 7.25 p.m.

**ACTION NOTES OF THE MEETING OF BRIERLEY HILL/BROCKMOOR AND
PENSNETT COMMUNITY FORUM**

HELD AT 6.30PM ON WEDNESDAY 5TH FEBRUARY, 2014

AT THE NINE LOCKS COMMUNITY CENTRE, HILL STREET, BRIERLEY HILL

PRESENT:-

Councillor Jordan (Chair)
Councillors Harris and J Martin.

Officers:-

Mr I McGuff (Assistant Director, Quality and Partnership) – (Directorate of Children's Services) (Lead Officer to the Forum) and Mrs K Buckle (Directorate of Corporate Resources).

Together with sixteen members of the public

26 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Foster, Islam and M Wilson.

27 INTRODUCTIONS BY THE CHAIR

The Chair welcomed those present to the meeting and Members introduced themselves. The Chair outlined the purpose of the Forum meeting.

28 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 Query/Complaint

1. A member of the public referred to the formation of the Friends of Fens Pool Group advising that the first meeting of the Group would take place on 17th February, 2014 at 7.15pm at the King William Public House, Brierley Hill.

The same member of the public praised the Council for the progress it had made with the reduction in stray horses and hoped that further progress would be made in the future.

- 2(a) Could clarification be sought on who could remove injured swans from Fens Pool Nature Reserve in order to treat them? Were members of the public and Swan Rescue able to remove swans for this purpose? The Chair confirmed that she would seek clarification and respond to the questioner.
- 2(b) Will the Warden at Fens Pool Nature Reserve report those who are fishing out of season to the Police?
- 3(a) A request that public transport operators place signage on bus stops in Tennyson Street, Pensnett whilst re-surfacing work is undertaken to advise passengers of any timetable or bus stop changes. Councillor J Martin advised that CENTRO had agreed to place such signage on bus stops.
- 3(b) Could residents be advised of any changes to public transport when highway work is commenced in Chapel Street, Pensnett. Councillor J Martin undertook to advise local residents of any changes once these became known to him.
- 4 A query was raised in relation to Council continuing to deliver larger black refuse bins when small bins had been requested. Councillor Harris advised that larger bins were being delivered whilst the manufacture and delivery of smaller refuse bins was awaited.
- 5 A request that the owner(s) of 22 High Oak, Pensnett be ascertained asked to make safe the property and clear rubbish from the site.
- 6 A request that Vicarage Lane, Pensnett be coned off in order for re-surfacing to be undertaken as contractors have been unable to complete the work to date due to parked cars preventing this. Also asking when the work would be completed?

29 DUDLEY GROUP OF HOSPITALS NHS TRUST

Mr D Stenson, Governor of the Trust referred to questions asked at the previous meeting of the Forum and outlined the Trust responses.

Mr Stenson confirmed that he would again raise the issue of staff smoking in uniforms with the Trust.

30 URGENT CARE PUBLIC CONSULTATION

Mr D Stenson further reported on the outcome of the consultation relating to re-shaping the provision of urgent care and re-providing the service that was currently provided at the walk in centre in Holly Hall by ensuring that patients could access their General Practitioner's surgeries during the day and the re-provision of the walk in centre at Russells Hall Hospital.

It was noted that there would be a meeting at the Brierley Hill Civic Hall on 13th February, 2014 at 5.30pm which would report on the public consultation.

It was also noted that there would be a follow up visit to Russells Hall Hospital on 25th March, 2014 by the Care and Quality Commission when mortality rates would be reviewed.

Councillor Harris provided an update on the Health Scrutiny Committee advising that the Clinical Commissioning Group had been notified that the Scrutiny Committee considered the change to the Walk in Centre to be a substantial variation of National Health Services being provided to the Boroughs residents and that the Committee will exam final proposals at a special review meeting.

It was noted that the Committee will call for witnesses and local groups who have an interest in the matter and urged those present to let the Council know their views on the proposals.

31 WORKING WITH YOU: TOPICS RAISED BY LOCAL COUNCILLORS

Councillor Harris referred to the following:-

- Those involved with the Brierley Hill Christmas Project and in particular thanked Jenny Sunter of the Brierley Hill Civic Society and referred to the funding that had been donated by Brierley Hill First. Thanks were expressed for the production of leaflets by Insight, Brierley Hill and to those who helped distribute them.
- The launch of Brierley Hill in Bloom advising that grant monies were available from Community First and Birmingham Metropolitan College, Brierley Hill were involved with the project and it was hoped that an event would be organised to plant up planters. Councillor Harris requested those present to contact either herself or Councillor Jordan should they wish to become involved with the project. It was noted that a future meeting would take place at the premises of Insight, Brierley Hill in relation to Brierley Hill in Bloom Project.

Councillor J Martin referred to the following:-

- In relation to the former site of the Fish Public House on Bryce Road and Commonside advising that the project had stalled, however hopefully the development would re-commence following the consideration of amended plans for the site.
- The drains on Dudley Fields had been unblocked however concerns had been raised in relation to the drainage system that serves Dudley Fields and the Council were to meet with Severn Trent and the Dudley Canal Trust to investigate methods of improvements.

32 COMMUNITY FORUM GRANTS

A report of the Lead Officer was submitted on two applications for funding that had been received which were referred to in the report submitted

AGREED

1. That the Director of Corporate Resources be recommended to approve the making of grants:-
 - (a) In the sum of £4,000 to the Brierley Hill Methodist Church towards the cost of installing a new central heating system.
 - (b) In the sum of £2,000 to the Dudley Federation of Tenant and Residents Association towards the cost of updating the kitchen and toilets in the main office with this application being funded jointly by the two Wards.
-

33 DATE, TIME AND VENUE OF NEXT MEETING

Noted, that the next meeting of the Community Forum would be Tuesday 25th March, 2014 at 6.30pm at the Brockmoor Community Centre.

The meeting ended at 7.50pm

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Tuesday 26th November, 2013 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Ridney (Chair)
Councillor Tyler (Vice Chair)
Councillors Blood, Boleyn, Caunt, Islam and James

OFFICERS:-

Assistant Director (Housing Strategy and Private Sector) (Lead Officer to the Board); Director of Corporate Resources, Assistant Director (Law and Governance) and the Democratic Services Manager (Directorate of Corporate Resources)

10. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Hale and Marrey.

11. **DECLARATIONS OF INTEREST**

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

12. **MINUTES**

RESOLVED

That the minutes of the special meeting of the Board held on 25th July, 2013, be approved as a correct record and signed.

13. **INTERIM POSITION ON THE NEW SCRUTINY ARRANGEMENTS**

A joint report of the Director of Corporate Resources and the Lead Officer was submitted giving an interim position on the Council's revised scrutiny arrangements that had been in operation since June, 2013.

The report indicated a general level of acceptance that the new scrutiny arrangements had built substantially on those previously operated by the Council. The new approach involved focussing on a smaller number of major issues; aligning scrutiny functions with Directorate structures; revised reporting arrangements and a greater freedom for Chairs and Vice-Chairs and Scrutiny Committee Members to adapt their approach to conducting individual scrutiny reviews.

The annual review process aimed to ensure that the scrutiny arrangements continued to be aligned to the needs of the Council whilst remaining adaptable and flexible to changes in circumstances.

The interim review dealt with constitutional and governance arrangements; key scrutiny themes; comments in relation to the work of each individual Scrutiny Committee and issues for further consideration by the Board.

Members discussed the following specific issues:

- Clarification in regard to the scrutiny of budget proposals by individual Scrutiny Committees and in particular, the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee. The Director of Corporate Resources acknowledged the need to clarify and refine the budget scrutiny process for the future.

It was suggested that Scrutiny Committees should focus on the detailed scrutiny of individual Directorate budget proposals whilst retaining some flexibility for cross-cutting issues. Following the cycle of Scrutiny Committees in November, the Overview and Scrutiny Management Board could then scrutinise the overall budget proposals on a strategic basis.

Further consideration would be given to this proposal in the annual review taking account of the timings involved with the budget proposals and the need to avoid potential for duplication.

- In connection with the scrutiny of budget proposals and other financial issues, comments were made on the level of skills and knowledge required to undertake in-depth scrutiny. The Board supported further Member development and training in this complex area of work.

It was considered that the involvement of a wider group of Members in scrutinising budget proposals would be a positive development to assist Members in understanding the complexities involved with the Council's budgetary process.

- Issues concerning the ability of Directorate officers to give full and meaningful responses at meetings, particularly arising from questions on the Quarterly Corporate Performance Management report. A view was expressed that a senior officer from each Directorate should attend the Committee meeting. The arrangements for circulating papers made it impractical for Members to submit advance questions in all cases.

The Director of Corporate Resources indicated that the formatting of the quarterly report and the timing of its distribution would be considered further.

- The lack of a facility under the Constitution for reporting back on decisions taken by external bodies on which the Leader represented the Council (eg: West Midlands Joint Committee and the Local Enterprise Partnership).

Members supported the development of a more robust feedback mechanism either through the Cabinet or Scrutiny Committees. This would be considered in the annual review process.

- The need to ensure that Scrutiny Committees had freedom to influence the topics they wished to scrutinise in the Annual Scrutiny Programme and during the municipal year. It was acknowledged that the programme for 2013/14 had been formulated as a starting point and this could be developed in consultation with Members.
- Scrutiny Committees would retain an element of discretion over the number of topics they wished to scrutinise, however, it was important that the workloads of Committees remained manageable.
- The Board supported the view that the content of Scrutiny Committee minutes should be more extensive than certain other meetings and record additional detail. Whilst it was accepted that verbatim minutes were unnecessary and excessive, the view was that Scrutiny Committee minutes should be sufficiently detailed to record the thread of the discussion and capture the essence of the debate. The Democratic Services Team had acknowledged these views.
- The Board was of the view that, for the next municipal year, meetings of Scrutiny Committees should be programmed throughout the whole year in line with the established cycle of Committees. Additional formal and/or informal meetings or working groups could be arranged as and when necessary.
- The Lead Officer identified issues relating to the development of a more robust and consistent mechanism for Lead Officers briefing Chairs and Vice-Chairs on key issues being considered by Scrutiny Committees.

The Director of Corporate Resources acknowledged all the comments made by Members and further work would be undertaken to develop the scrutiny arrangements. The issues identified would be incorporated in the annual report to be presented to the Board in February, 2014. It was suggested that, as part of the annual review, a wider range of comments could be sought, including those of all elected Members.

RESOLVED

- (1) That the issues set out in the interim report, together with the additional issues identified above, be included in the annual review of the Council's scrutiny arrangements.
- (2) That the Lead Officer and the Director of Corporate Resources submit a further report to the Board in February, 2014 to enable any recommendations on the future operation of the scrutiny arrangements to be submitted to the Council in advance of the 2014/15 municipal year.

14. FORWARD PLAN OF KEY DECISIONS

The Board noted a report of the Director of Corporate Resources on the forward plan of key decisions for the four-month period commencing on 1st December, 2013.

At the conclusion of the meeting, the Chair indicated that the Leader of the Council had requested her to make arrangements for the Overview and Scrutiny Management Board to scrutinise the consultation on the future of Sure Start Children's Centres in Dudley (Key Decision Reference 0589). The consultation period was due to close on 3rd January, 2014.

RESOLVED

That a meeting of the Overview and Scrutiny Management Board be provisionally arranged on Monday, 20th January, 2014 at 6.00pm to consider the scrutiny of the consultation on the future of Sure Start Children's Centres in Dudley

The meeting ended at 7.15 p.m.

CHAIR

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Monday 20th January, 2014 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Ridney (Chair)
Councillor Tyler (Vice Chair)
Councillors A Ahmed, Blood, Boleyn, Caunt, Hale, Islam, James, Kettle and Marrey.

Councillor Crumpton (Cabinet Member for Children's Services and Lifelong Learning) attended at the invitation of the Board

OFFICERS:-

R Sims, Assistant Director (Housing Strategy and Private Sector - Lead Officer to the Board), P Sharratt (Interim Director of Children's Services), C Russell (Divisional Lead – Family Support, Directorate of Children's Services), A Pope-Smith (Director of Adult, Community and Housing Services), V Little (Director of Public Health – Chief Executive's Directorate) and S Griffiths (Democratic Services Manager - Directorate of Corporate Resources)

PARTNER ORGANISATIONS:-

J Alexander (Dudley and Walsall Mental Health Partnership NHS Trust), N Bucktin (Dudley Clinical Commissioning Group), A Gray (Dudley Council for Voluntary Services) and L Writtle (Black Country Partnership NHS Foundation Trust)

OBSERVERS:-

Councillors Harley and Lowe.

15. **DECLARATIONS OF INTEREST**

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

16. **MINUTES**

RESOLVED

That the minutes of the meeting held on 26th November, 2013, be approved as a correct record and signed.

17. CHILDREN'S CENTRES IN DUDLEY

Further to Minute No. 14 of the meeting held on 26th November, 2013, the Board received a joint report of the Lead Officer and the Interim Director of Children's Services on children's centres in Dudley. An additional report had also been circulated on the outcome of the consultation process, which had ended on 10th January, 2014, together with a proposed draft model for the future provision of children's centres in the Borough.

Following introductions, the Chair outlined the procedure for the meeting and thanked the Chair and Members of the Children's Services Scrutiny Committee for the scrutiny work previously undertaken in relation to children's centres.

The Lead Officer introduced the report and set the context for the scrutiny of the children's centres report. He thanked all the officers concerned for their work in producing the report and developing the additional proposals submitted to the meeting.

The Interim Director of Children's Services presented the report and indicated that, following the consultation, a revised model for children's centres provision had been drafted which proposed that all centres should remain open; the children's centres should be organised into 5 clusters across the Borough and that the Council should work with partners to maximise the use of the children's centre buildings.

The proposed model aimed to meet statutory obligations; maintain early years learning and development as a priority; ensure support to children and families in greatest need; focus resources on front line service delivery and ensure that the needs of localities were met. It was proposed to develop the integrated approach by working with partner agencies and organisations to ensure that children under 5 and their families received a range of services. The restructure of the service would also deliver budget savings.

Concerns were expressed as to why a decision had been taken to change the proposals part-way through the consultation exercise. Reference was made to meetings held at children's centres during the consultation period where no minutes had been taken. The Interim Director of Children's Services reported that the changes had been made as a result of the overwhelming initial public response indicating clear support for the centres and the need to allay concerns as soon as possible. Although it was acknowledged that minutes had not been taken at all meetings, all the feedback had been considered as part of the consultation process.

In relation to the extension of the consultation process until 10th January, 2014, the Lead Officer indicated that the consultation had a wider scope and an extensive amount of valuable feedback had been gathered on which to base future decisions. It was acknowledged that the consultation period had included the festive period and the extension enabled a full range of views to be submitted.

A Member queried whether a risk assessment had been undertaken before the initial proposals had been put out to consultation. Concerns were also expressed that site meetings had not taken place in all areas and that the overall effectiveness of the consultation exercise was questionable.

The Interim Director of Children's Services reported that an Equality Impact Assessment and a risk assessment had been undertaken in the context of the budget position and the need to maintain a reasonable level of service.

The Cabinet Member for Children's Services and Lifelong Learning indicated that he had attended a number of consultation meetings. Whilst it was acknowledged that some Members felt that certain meetings had not taken place, the overall view was that the consultation process had generated valuable feedback and ideas for further consideration. A view was expressed that children's centres should be viewed as 'family and well being' centres and that opportunities should be explored to strengthen the support offered to families.

In relation to the proposed future model, questions were raised about staffing levels and seniority of employees on duty at the centres in order for the services to run effectively. It was proposed that a manager would be responsible for a cluster of children's centres; there would be designated heads/deputy heads and a person on reception duty at each centre. There would be a consequential review of management, support and administration structures.

A Member queried the possibility of reduced opening hours at children's centres. Officers indicated that no decisions had been taken at the present time pending further research and analysis of usage, service needs and demands in each area. Consideration would also be given to the potential usage of centres by partner organisations and the future opening hours would reflect local needs. Attention was drawn to paragraphs 5 and 6 of Appendix 2 to the additional report, which made specific reference to staffing and the use of buildings.

It was noted that some children's centre buildings were already used by partner organisations, however, it was hoped that the examples of good partnership working could be extended and applied consistently across the Borough.

The Chair invited contributions from representatives of the other partner organisations who were present at the meeting.

The Director of Adult Community and Housing Services made reference to housing/libraries provision and the operation of services on a 'community hub' model. This required further consideration and the redesign of the children's centres offer and, whilst it would not be possible to replicate everything in every children's centre, further dialogue was encouraged to explore the opportunities.

In relation to Child and Adolescent Mental Health Services (CAMHS), it was acknowledged that essential work would need to continue and that discussions should focus on extending mental health support services where possible and to signpost services more consistently within centres. The Dudley and Walsall Mental Health Partnership NHS Trust acknowledged the need to capitalise on partnership working opportunities.

The Dudley Council for Voluntary Services indicated that a considerable amount of outreach activity was already undertaken and this varied depending on the size of each centre. There were some risks associated with competition for bookings and the possibility of charging for facilities. Further opportunities would be considered to extend services and to undertake more effective signposting, however, it was acknowledged that there would be some variations of usage on a centre by centre basis.

The key issue for Dudley Clinical Commissioning Group was the need to move to an integrated approach and that children's centres could be viewed as a key access point. Ongoing work concerning the integration of services was being undertaken with Adult, Community and Housing Services and the children's centres service redesign was seen as an opportunity to do further work to deliver health and social care at a local level with appropriate links to specialist services.

The Black Country Partnership NHS Foundation Trust also acknowledged the opportunities and the need for further partnership development work to meet long term aims. Reference was made to health visiting and services for children with additional complex needs. Future service delivery would need to reflect partnership working and exploit opportunities to move service delivery to a locally based model.

The Director of Public Health referred to the resource issues faced by the public sector generally and the need to exploit the opportunities for integrated service provision. This would require a fresh approach to integrated early years service provision, involve children's centres staff in improving the promotion of services and removing duplication. The 5 cluster model mirrored the service provision of other partners, which could enable further work to develop the integrated offer of services to children and families building on the strengths of local communities.

A Member commended the changing context of the debate to place a greater emphasis on improving service delivery for the future. A full review was required of the services provided, and how they were provided, to ensure the most effective future service provision through a jointly integrated approach.

A further question was raised concerning the required saving of £1.5m. A view was expressed that this level of saving could not be achieved without the investment of external resources. Attention was drawn to paragraph 4 of Appendix 2 to the additional report, which stated that the proposed model would deliver savings of £1.5m.

In relation to the extension of services available, a Member raised a concern about the possibility of overloading the children's centre environment and the need to ensure that arrangements were in place to measure ongoing effectiveness. The Cabinet Member for Children's Services reported that a range of services were already delivered and staff had a range of valuable experience. However, it was acknowledged that further work was necessary to gauge the service needs in particular areas. The Director of Adult, Community and Housing Services emphasised the need to ensure that services were 'joined up' and centred on the needs of families. This required more effective partnership working and community engagement activity.

Following the contributions from partner organisations, the Vice-Chair welcomed the firm commitment to working together to develop a more holistic approach to family support services. He recognised the commitment of the various agencies to engage in regular meaningful dialogue with all partners having an equal contribution to these discussions.

The Chair invited the Interim Director of Children's Services and the Cabinet Member for Children's Services and Lifelong Learning to make final statements.

The Interim Director thanked the Board for their comments and emphasised the commitment to move forward with the proposals. The consultation exercise had generated valuable information on which to base decisions to develop a service that was fit for purpose and sustainable for the future.

The Cabinet Member acknowledged that this was a difficult period but recognised the value of the public response to the consultation process. He referred to the opportunities to engage with partner organisations and shape integrated and sustainable services for the future. A considerable amount of work was ongoing and further consultation on the redesign of the service would take place with managers and employees concerned. The Cabinet would consider the report on the Revenue Budget Strategy 2014/15 at its meeting on 12th February, 2014.

The Chair thanked all attendees for their contributions to the debate.

RESOLVED

- (1) That following the review of the consultation responses, the Cabinet be recommended to consider the draft proposed model for the children's centres offer in Dudley as set out in Appendix 2 to the additional report submitted to the meeting.
- (2) That the Cabinet be recommended to ensure that discussions with partner organisations are continued and enlarged with a view to developing a jointly integrated service that is fit for purpose, effective, viable and sustainable for the future.

The meeting ended at 7.35 p.m.

CHAIR

CHILDREN'S SERVICES SCRUTINY COMMITTEE

Tuesday, 19th November, 2013 at 6.00 pm at the
Council House, Dudley

PRESENT:-

Councillor Marrey (Chair)
Councillor Boleyn (Vice-Chair)
Councillors Arshad, Mrs Billingham, Bills, Casey, Islam, Perks, Mrs Simms,
Vickers and Mrs Walker; Reverend Wickens; Mr Lynch, Ms Sinden and Mrs
Verdegem

Also in attendance:

Councillor Crumpton (Cabinet Member for Children's Services and Lifelong
Learning) attended at the invitation of the Committee

OFFICERS

Assistant Director of Adult, Community and Housing Services (Housing
Management) – Lead Officer to the Committee, the Director of Children's
Services, Assistant Director of Children's Services (Children and Families),
Director of Children's Services (Quality and Partnership), the Treasurer and Mr
Sanders (both Directorate of Corporate Resources)

7. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillor
Hill, Mrs Coulter and Mr Ridley.

8. **SUBSTITUTE MEMBERS**

It was reported that Councillor Mrs Billingham was serving in place of
Councillor Hill for this meeting of the Committee only.

9. **DECLARATION OF INTEREST**

A declaration of non-pecuniary interest was made by Councillor Vickers in
respect of Items 6 and 7 on the Agenda (Revenue Budget Strategy 2014/15
and Scrutiny of Children's Centres – Feedback, respectively) in view of his
office as Chair of the Management Committee of Tenterfields Children's
Centre.

10. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 23rd September, 2013 be approved as a correct record and signed.

11. PUBLIC FORUM

No issues were raised under this item.

12. BUDGET STRATEGY 2014/15

(During consideration of this item, Councillor Marrey declared a non pecuniary interest in view of his son being in respite care and Councillor Mrs Walker declared a non pecuniary interest in view of her daughter's employment in Special Educational Needs. The declarations were made in respect of both this item and the following item on the agenda (Scrutiny of Children's Centres – Feedback)).

A report of the Chief Executive, Treasurer and Director of Children's Services was submitted on the proposed Revenue Budget Strategy for 2014/15 and the Medium Term Financial Strategy.

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

In his presentation, the Treasurer reported on questions asked by members at the meeting of the Adult, Community and Housing Services Scrutiny Committee held on 11th November, 2013 on the risk to Children and associated matters which might arise from the proposed budget savings for Children's Services, to which the Director of Children's Services and the Assistant Director of Children's Services (Children and Families) responded.

In respect of funding for Looked After Children, the Director was satisfied that, although a high demand across the whole of Children's Family Services was being experienced, the additional expenditure of £3million provided for should be sufficient to meet demands. In the event of the budget for looked after children being exceeded, however, whereas, in the past, it had been possible to vire monies within Children's Services from other budget heads to meet requirements, that facility was no longer an option owing to the reductions in allocations elsewhere.

The Assistant Director (Children and Families) confirmed that numbers of looked after children had risen steadily over the previous five years and that, although the numbers of new children going into care had now plateaued, children were tending to stay in the system longer. External placements were necessary for the more challenging children due to capacity because of increasing demand and this factor increased the pressure on the budget for looked after children.

Regarding risk, the Assistant Director indicated that there had been an increase in Adoption and Special Guardianship Orders, and the Council was achieving completion of care proceedings on an average of 22 weeks against the government target of 26 weeks. The Director of Children's Services confirmed that monitoring of Looked after Children was rigorous and was reviewed quarterly by the Cabinet Member for Children's Services and Lifelong Learning and herself, as Director. The aim was to ensure that the system was properly supported.

Questions were asked in relation to the percentage of the Budget spent on respite provision and on the level of replacement for the Willows, to which the Director of Children's Services and the Assistant Director (Children and Families) responded. Regarding the Willows, it was confirmed that equivalent provision was being made.

In response to the question asked at the Adult, Community and Housing Services Scrutiny Committee regarding the number of full time equivalent posts would be lost, should the budget proposals proceed, it was indicated this would equate to some 112 full time equivalent posts for 2014/15.

In response to the Council's responsibilities as corporate parent, further to the question asked at the Adult, Community and Housing Services Scrutiny Committee on risk to children, The Director of Children's Services and the Assistant Director (Children and Families) confirmed that they were confident that the Council would be able to continue to act in this capacity appropriately notwithstanding the proposed budget reductions.

On the issue of children potentially at risk, the Director and the Assistant Director were satisfied that delivery could be maintained at the moment but the point was made by the Director that the unintended consequences of other agencies' financial savings could impact on the Council. Discussions with other agencies were therefore continuing and the overall situation was being monitored by the Assistant Director. The Director cautioned, however, that because of a rising number of complex referrals, further to some recent child care cases in other authorities, the increasing need to safeguard or take early interventionary measures would cause pressure and could result in a tipping point being reached.

In response to a question in relation to the High Needs Block, the Director of Children's Services indicated that discussions were ongoing on special educational needs requirements and the Plan was being monitored as implementation approached. The Board monitored where children had been placed and this influenced decision making. Children's needs were being scoped and a lot of work had been undertaken in this regard within the Directorate and with providers.

Further to reference being made to parental concerns about the continuation of such issues as home to school transport and special breaks for special educational needs pupils at the same level, the Treasurer advised that on current predictions it was likely that the Council would be limited to delivering at best the level of its statutory duties within the next three years. The issue of home to school transport was raised again later in the meeting, regarding which the Director of Children's Services indicated that alternative provision to that currently made could be feasible but that changes would be likely to require consultation and perhaps legal advice before being made.

Further to a request from a Member for the information from other authorities, as referred to in paragraph 10 of the report, to be circulated when available and analysed, the Director of Children's Services referred further to the issue of looked after children and advocated prudence in assumptions on numbers in view of the impact of the current economic situation on families in the Black Country. In relation to early intervention, the Director referred to the redesign now the subject of consultation and which, if approved, would bring to Children's Centres further involvement of partner agencies.

Reference was made to the numbers of children with Care Orders whom were placed at home and the support provided by Children's Centres with regard to those children was explained by the Assistant Director (Children and Families). The point was also made by the Assistant Director that, in appropriate circumstances, external provision was better for some children. Since children subject to Care Orders were considered on a case by case basis, predictions regarding the category of care needed were difficult.

In response to a question by the Chair in respect of paragraph 12 of the report, the Director of Children's Services confirmed that provision for looked after children, including placements, was monitored vigorously with a view to looking at more affordable options if they were available but that it had to be remembered that for some children their Local Authority placement was their home. In relation to paragraph 12, the Treasurer indicated that the injection of £3 million had been proposed to meet current demand regarding looked after children but the risk was that numbers of such children could rise further.

In reply to a question, the Treasurer indicated that an increase in Council Tax of around 40% over three years would be necessary to avoid the need for any further savings beyond the £26million budget reduction already proposed.

Further to a question on any additional grant aid that might be available to supplement the directorate's finances, the Director of Children's Services indicated that the only grants available were the Troubled Families Grant and the Dedicated Schools Grant, the latter being allocated by the Schools Forum, rather than the Council. Grants were available to the voluntary sector, however, and therefore the Directorate was seeking to support the voluntary sector in making applications as appropriate.

Further to a comment by a Member that Children's Centres be supported and their budget allocation not significantly reduced, the Treasurer responded that, although current delivery models for all Council services needed to be considered to effect the further £32million required to be saved by 2016/17, decisions taken were not within the province of officers to determine and could not be predicted by them without direction.

Further to the consideration of the report and to the discussion it was

RESOLVED:

That the budget proposals, as set out in the report now submitted be noted and that the Cabinet be asked to consider fully the priority needs of Children and Vulnerable Adults and that they consider further the reduction by £2.3 million for Children's Centres and the impact this will have at putting children at risk.

13. CHILDREN'S CENTRES - FEEDBACK

Consideration was given to the report of the Chair circulated by him to Members of the Committee and included on the Committee Management Information System as a supplementary document, in respect of which it was RESOLVED:

That the Cabinet Member for Children's Services and Lifelong Learning be recommended:

That the report of the Chair be approved as the report of the Committee on the scrutiny of Children's Centres and that:

1. Local Partners, during the consultation period, work together to develop alternative proposals that support the future development of integrated services in relation to early intervention. This should include proposals for 5 hubs rather than the 4 currently proposed.
2. Local Partners should explore opportunities for Children's Centres to become Community Hubs for health, social care and other services such as Credit Unions, Citizen's Advice Surgeries and be the meeting place of choice for community groups.

3. Anecdotal evidence gathered during visits to Children's Centres by Committee Members highlighted the importance of Health Workers introducing families to Children's Centres and that the Committee believes that there are untapped opportunities to improve the reach of Children's Centres particularly in relation to Health Workers sign posting prospective families to Children's Centre Services and that work should be done to build on this over the next 12 months.
4. Services provided from Children's Centres should continue to give regard to evidence based practice.

14

JANE PORTER

This being the last meeting of the Committee attended by Ms Porter prior to her impending retirement from the Council's service, the Chair and other Members paid tribute to Ms Porter's outstanding service to the authority, during which she had continued unstintingly to represent the voice of the Borough's children in an unprecedented time of change and challenge. Ms Porter, in turn, thanked the Committee for their support during her period of office.

RESOLVED

That the Committee place on record its appreciation of Ms Porter's service to the Council and the children of the Borough during her period of office.

The meeting ended at 8.00 pm

CHAIR

**CORPORATE PERFORMANCE MANAGEMENT,
EFFICIENCY AND EFFECTIVENESS SCRUTINY COMMITTEE**

Wednesday 20th November, 2013 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Blood (Chair)
Councillor A Ahmed (Vice Chair)
Councillors Boleyn, Caunt, Marrey, Mottram, Russell, Sykes, K Turner and
Wright.

Officers

Assistant Director, Policy and Improvement (Lead Officer to the Committee),
Principal Policy and Performance Management Officer (Chief Executive's
Directorate) and the Democratic Services Manager (Directorate of Corporate
Resources)

Also in attendance

For Minute No. 17 - Director of Corporate Resources and the Head of
Accountancy (Directorate of Corporate Resources).

For Minute No. 18 - Representatives of the Transforming Organisation, Real
Change (TORCh) Project Group, namely the Children's Services Finance
Manager, Head of Communications and Public Affairs, Head of Strategic Asset
Planning, Divisional Lead - Integrated Youth Support and the Design and
Development Manager supported by the Admin Apprentice (Communications
and Public Affairs)

14 **DECLARATION OF INTERESTS**

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

15 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 5th
September, 2013 be approved as a correct record and signed.

16 **PUBLIC FORUM**

No matters were raised under this agenda item.

17 REVENUE BUDGET STRATEGY

The Committee considered a joint report of the Chief Executive, Director of Corporate Resources and the Treasurer on the Revenue Budget Strategy for 2014/15 and the Medium Term Financial Strategy, with emphasis on proposals relating to the Committee's terms of reference.

In response to a query as to whether the Committee could raise wider issues identified in the budget, the Director of Corporate Resources indicated that one of the key principles of the revised scrutiny arrangements had been to align Scrutiny Committee terms of reference with the functions of the Council's Directorates. Whilst there was no intention to restrict debate, the terms of reference of this Committee primarily related to the Chief Executive's Directorate and the Directorate of Corporate Resources. This would be considered in the annual review of the Council's scrutiny arrangements.

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

- The potential implications of future proposals concerning business rates, in particular the effect on the Council's budget deficit if business rates were not increased. The Committee noted ongoing discussions in the national context, however, it was acknowledged that any increase in business rates might not be sufficient to meet the anticipated deficit.
- Issues concerning the recurring overspend in relation to Looked After Children and proposals to address the potential impact in future years arising from levels of demand. The Committee noted that the Children's Services Directorate were developing plans to deal with the existing budget position and address the implications for future years. A view had been expressed that the level of expenditure reflected the true costs rather than overspending.
- Reference was made to issues associated with the zero based budget approach commenced by the Council in 2012.
- A written reply would be given in response to a question concerning the amount written off in bad debts by businesses since the start of the financial year and the action being taken to keep these debts to a minimum.
- A written reply would be given in response to a question concerning interest shown by any 'not for profit' organisations in New Bradley Hall and the anticipated funds that would be received for this asset.
- In connection with Children's Centres, a question was asked concerning the number and location of the Centres affected by the savings of £2.3m over two years. It was noted that these points were covered in the public consultation document, which had recently been published.

- Reference was made to the proposed restructuring of the Chief Executive's and Corporate Resources Directorates and the possibility of any suggested proposals being reported to this Scrutiny Committee. The Director of Corporate Resources indicated that the restructuring of the two Directorates should be viewed in the context of a wider corporate restructuring process to be undertaken in the forthcoming year.
- The Director of Corporate Resources and the Head of Accountancy responded to questions concerning the effect of the new pension scheme and the ongoing issues of Single Status and Equal Pay. Provision had been made in the budget for these items and it was acknowledged that Single Status/Equal Pay was a lengthy process involving a range of complex and ongoing issues.
- In relation to other identified staff savings in the Chief Executive's Directorate, the Lead Officer indicated that these would primarily be identified from policy, research and support functions.
- The Director of Corporate Resources responded to queries concerning the removal of risk management funding and proposals concerning conveyancing fees. It was considered that these items would have minimal implications in the overall budgetary context.

RESOLVED

That, subject to the issues identified above, the Revenue Budget Strategy proposals for 2014/15 and the Medium Term Financial Strategy be received and noted, taking account of the considerations set out in paragraph 41 of the report now submitted.

18 APPRENTICESHIP AND WORK EXPERIENCE PROGRAMME FOR DUDLEY COUNCIL

The Committee considered a progress report from the Transforming Organisation, Real Change (TORCh) Project Group in respect of a review of the Apprenticeship and Work Experience Programme for Dudley MBC. The Committee viewed a video including information on the views and experiences of Apprentices working within various Council Directorates.

The Committee received a presentation from the Group on the proposed future vision and objectives; the national and local context; the advantages of adopting an excellent apprenticeship and work experience programme; the review methodology; issues connected with the existing internal arrangements; planned improvements, risks and constraints and the proposed next steps. It was noted that the Group had reported their progress to Corporate Board on 22nd October, 2013.

The Committee welcomed the report and congratulated the Group on the work undertaken to date. Reference was made to the need to challenge potentially negative perceptions of Apprenticeship programmes that had emerged in recent years.

The Group was considering improvements to internal processes to identify the number and location of the Apprentices employed by the Council and to track progress and outcomes. Although there was evidence of significant good practice across the Council, Directorates operated their own local processes. Members expressed the view that this should be co-ordinated on a corporate basis.

The Committee commented positively on the development of a prospectus to give information for parents and young people and the need to set internal targets for review. It was suggested that monitoring information be integrated into future quarterly performance management reporting arrangements to this Committee.

The Committee supported the re-introduction of a 'celebration of achievement' event for young people to ensure that participants felt valued, appreciated and supported by the Council. The Group also acknowledged the need for improvements to the induction process.

Reference was also made to ensuring that the Council, as a major employer, was setting standards, changing perceptions and receiving recognition in terms of the excellence of its Apprenticeship and Work Experience Programmes. In addition, the Council should continue to explore opportunities to work with partnerships and external organisations and consider sponsorship opportunities.

Comments were made on the ongoing work with schools, connections made with other employers and careers advice linked with the duties of the Council to track 16-18 year olds, improve their employability and signpost or offer other opportunities wherever possible.

The Committee noted the existing protocols within the Council to give priority to Looked after Children in terms of support and opportunities for Apprenticeship and Work Experience Placements.

RESOLVED:

- (1) That, subject to the comments outlined above, the project work and proposals recommended by the TORCh Project Group, as set out in the report and presentation to the Committee, be endorsed.
- (2) That monitoring information be integrated into the future quarterly performance management reports.
- (3) That a further report be submitted to a future meeting of the Committee.

A report of the Chief Executive was submitted on the second Quarterly Corporate Performance Management Report for 2013/14, relating to performance for the period 1st July to 30th September, 2013.

Following an overview of the content of the report by the Lead Officer, Members asked questions to which responses were given. Particular points raised were as follows:-

- Progress in relation to Stourbridge Credit Union presence in Stourbridge, including the establishment of a base in the library, investment in online resources and the marketing of services on a borough-wide basis.
- Further to Minute No. 11 of the meeting held on 5th September, 2013, reference was made to the financial situation concerning the Member's Dining Room/Coffee Lounge facility in the Council House. It was noted that the budget provided for a zero figure in relation to income against expenditure, however, it was suggested that the projected in-year deficit could now be in the region of £45,000. A written response would be provided as to which other budget heading was subsidising losses in relation to this function.
- In relation to Objective 5 (Ref: 6.6a), a query was raised on the progress of the actions listed under the section on making the best use of housing stock to provide and maintain 'affordable' housing for customers with housing need. The Lead Officer undertook to circulate information to Members on the outcomes of this activity and noted the points concerning the policy on fixed term tenancies.
- Reference was made to the regeneration activity in conjunction with New Heritage Regeneration and the Private Sector Partnership, the relationship to Stourbridge and Halesowen Area Action Plans and the need for further engagement to encourage and generate further job creation opportunities.
- The Committee expressed congratulations to all concerned relating to recent developments at the Red House Glass Cone.
- Reference was made to the Tourism Strategy Action Plan and the possibility of developing a Tourist Information Centre. The Lead Officer noted the comments made and reported on the existing provisions available at the Dudley Council Plus Offices.

RESOLVED

That the information contained in the Quarterly Performance Management Report, in respect of performance for the period 1st July to 30th September, 2013, be noted together with the comments made at this meeting and that the officers indicated undertake the actions referred to above.

20 NEXT MEETING

Democratic Services would confirm the date of the next meeting in due course.

The meeting ended at 9.00 p.m.

CHAIR

URBAN ENVIRONMENT SCRUTINY COMMITTEE

Wednesday 27th November, 2013 at 5.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Tyler (Chair)
Councillor Hale (Vice Chair)
Councillors Ali, Duckworth, Hanif, Harley, J Jones, Sykes, K Turner and Mrs Westwood

Officers

Assistant Director of Adult, Community and Housing Services (Housing Strategy and Private Sector) (Lead Officer to the Committee); Director of the Urban Environment, Assistant Director of the Urban Environment (Environmental Management), Assistant Director of the Urban Environment (Culture and Leisure), Project Development Manager, Head of Street and Green Care, Team Manager (Green Care), Greenspaces Team Leader and Principal Executive Support Officer (All Directorate of the Urban Environment); Head of Accountancy and the Assistant Democratic Services Officer (Both Directorate of Corporate Resources).

18 APOLOGY FOR ABSENCE

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

19 APPOINTMENT OF SUBSTITUTE MEMBER

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

20 DECLARATIONS OF INTEREST

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

21 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 29th October, 2013, be approved as a correct record and signed.

22 PUBLIC FORUM

No matters were raised under this Agenda Item.

23 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 numbers 7, 6 and 8

24 PARKS, NATURE RESERVES & OPEN SPACES SCRUTINY

A report of the Director of the Urban Environment was submitted acknowledging the findings of the Parks, Nature Reserves and Open Spaces Scrutiny and for the Committee to make appropriate recommendations to the Cabinet Member for Environment and Culture that would help guide future strategic direction and investment.

Maps were circulated to Members and displayed at the meeting identifying Nature Reserves, Historic Parks and proposed Community Parks within the borough and the catchment areas for each.

Some Members made comments with regard to the designation of specific green spaces within the borough, in particular those areas situated in deprived locations that currently had fewer facilities than others. Members requested that appropriate community and Ward Member engagement was undertaken in any proposals for change of use of the smaller pieces of green space referred to in the report.

In response to a request from a Member, the Director of the Urban Environment recommended that a brief update in relation to the current spend on parks be provided to a future meeting of the Scrutiny Committee.

The Chair reminded Members that green areas not designated as a Nature Reserve, Historic Park or a Community Park within the Green Spaces Asset Management Plan (GSAMP) would not be neglected, as many of them were vital green corridors, interconnecting green spaces, cycle ways, canals, river corridors, disused railway lines and footways.

RESOLVED

- (i) That the information contained in the report submitted in relation to Parks, Nature Reserves and Open Spaces be noted and that the following scrutiny outcomes be recommended to the Cabinet Member for Environment and Culture:-
- (a) A Green Spaces Asset Management Plan (GSAMP) be developed to incorporate the outcomes from this scrutiny process.
 - (b) The GSAMP should recognise the Nature Reserves, Historic Parks and designated Community Parks which will help inform the production of the emerging planning policy Development Strategy Document.
 - (c) The GSAMP should identify potential alternate uses for some of those parks and open spaces not recognised as Community Parks such as meeting demand for additional allotments, burial land and grazing subject to proper consultation.
 - (d) The GSAMP should identify smaller parcels of land and open space which could be considered for disposal where there is no amenity value, capital receipts from which could be used for reinvestment into Community Parks or for other demands subject to proper consultation.
 - (e) The GSAMP would support and promote the introduction of corridors to encourage cycling, walking and boating across the borough between selected green space linking them together to develop a Green Landscape Web of cycle ways, canals, river corridors, disused railway lines and footways unique within an urban area.
 - (f) The GSAMP supports the ongoing development of Friends Groups and explores the possibility of developing the existing Green Spaces Forum into an independent consultative body building on the community led focus for green spaces.
 - (g) That future capital funding be prioritised in supporting the designated Nature Reserves, Historic Parks and Community Parks to attain APSE Category A Level standards subject to local variations associated with regeneration and community focussed opportunities.
 - (h) That revenue support is aligned as far as practical to support the ongoing maintenance of Nature Reserves, Historic Parks and Community Parks.

- (i) That Green Care service delivery options are included as part of the Council's corporate review of service delivery options.
- (ii) That a brief update in relation to the current spend on parks, be provided by the Director of the Urban Environment at a future meeting of the Scrutiny Committee.

25 REVENUE BUDGET STRATEGY 2014/15

A joint report of the Chief Executive, Treasurer and the Director of the Urban Environment was submitted on the proposed Revenue Budget Strategy for 2014/15 and the Medium Term Financial Strategy.

Arising from the presentation of the report, and Appendices to the report submitted, Members asked questions and made comments as follows:-

- Landfill waste and the landfill tax that was applied;
- Reduction in road and footway maintenance;
- The proposed increase in car park charges and the adverse affect this could have on in-town businesses, which in turn could have an adverse affect on business rates paid to the Authority;
- That consideration be given to providing 2 to 3 hours free short stay parking;
- The need to review car parking enforcement activity;
- Did the proposed budget savings take account of Equality Impacts;
- With the new recycling and waste service now operational, possible consideration be given to the frequency of waste collections;
- The need to re-educate residents and companies with regards to waste and recycling;
- The possibility of working with neighbouring Black Country Authorities when resurfacing roads and footpaths with specialised machinery.

The Assistant Director of Urban Environment (Environmental Management) confirmed that contingencies and robust plans were in place to ensure that the incinerator contractual agreements were met and that joint contracts with neighbouring Black Country Authorities in relation to future road maintenance and improvement projects would be considered.

In relation to the proposed increase in car park charges, the Director of the Urban Environment referred to the difficulties in obtaining the right balance when considering car parking charges, taking into consideration due regard to regeneration activity and the need to support local traders within the current challenging financial climate which all Councils faced. He referred to the desire to find more on-street spaces where possible and informed the Committee that in comparison to neighbouring authorities, Dudley's car parking charges were still the lowest. It was indicated that options to assist business traders would be explored.

The Director of the Urban Environment confirmed that all budgetary implications were in line with the Equality Impact and that Equality Impact Assessments had been carried out as necessary. This information would be circulated to Members of the Committee by the Director of the Urban Environment.

RESOLVED

- (i) That the Cabinet's Revenue Budget Strategy proposals for 2014/15 and Medium Term Financial Strategy, as set out in the report, and Appendices to the report, submitted be noted and the Cabinet be informed that there were no observations that this Scrutiny Committee wished to make on the proposals.
- (ii) That information in relation to Equality Impact and the Equality Impact Assessments undertaken when considering budgetary implications for the Directorate of Urban Environment be circulated to Members of the Scrutiny Committee by the Director of the Urban Environment.

26 COMMENTS MADE BY THE CHAIR

This being the last meeting of the Committee attended by Sally Orton prior to her impending retirement from the Council, the Chair, on behalf of the Committee, wished her a long and happy retirement.

The meeting ended at 6.20pm.

CHAIR

URBAN ENVIRONMENT SCRUTINY COMMITTEE

Thursday 12th December, 2013 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Tyler (Chair)
Councillor Hale (Vice Chair)
Councillors Ali, Duckworth, Hanif, Harley, J Martin, Sykes and Mrs Westwood

Officers

Assistant Director of Adult, Community and Housing Services (Housing Strategy and Private Sector) (Lead Officer to the Committee); Head Of Construction (Both Directorate of Adult, Community and Housing Services); Assistant Director of the Urban Environment (Economic Regeneration & Transportation); Economic Development Manager; Principal Executive Support Officer (All Directorate of the Urban Environment); Divisional Lead – Asset Management (Directorate of Children’s Services); HR Policy and Workforce Development Officer, Operations Unit Manager and the Assistant Democratic Services Officer (Directorate of Corporate Resources).

27 APOLOGY FOR ABSENCE

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

28 APPOINTMENT OF SUBSTITUTE MEMBER

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

29 DECLARATIONS OF INTEREST

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

30 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 27th November, 2013, be approved as a correct record and signed.

31 PUBLIC FORUM

No matters were raised under this Agenda Item.

32 SUPPORT TO LOCAL BUSINESSES (AREA 2 – BUSINESS TO BUSINESS)

A report was submitted to the meeting and a presentation was given in relation to the findings of the TORCh Group in support of the scrutiny of the Support to Local Businesses (Area 2 – Business to Business).

The presentation from the TORCh representatives consisted of an outline of the TORCh initiative; the Scrutiny remit; findings from the Business Survey; Dudley's current position in relation to Black Country benchmarking; identification of best practise; feedback from local businesses; corporate contracts; role of schools; recommendations and further considerations for the Scrutiny Committee to consider.

Following a detailed presentation, the TORCh representatives referred to their proposed recommendations for the Scrutiny Committee to consider:-

- A 'Dudley Directory for Buyers' – aligned to Standing Orders and Financial Regulations
- Explore Funding opportunities (internal & external) to deliver Business 2 Business (B2B) activities
- Develop a robust marketing strategy to include Social Media and promote existing support to local businesses, increase brand awareness, promote guidance for suppliers and buyers
- Research on how we encourage & reduce resistance to intercompany trading
- Promote 'buying local' to all categories of schools, with particular reference to Academies
- Review of the Procurement Strategy to include:
 - To reflect all procurement is via B2B Portal
 - To reflect linkages with our partners
 - Ensure a local social value focus
 - Use of a Local 'Buyers Directory'
 - Engagement Protocols with major investment delivery partners
- Facilitate 'Meet the Supplier' events to promote sourcing in Dudley

Other considerations identified and presented to the Scrutiny Committee were as follows:-

- What is the Council's definition of 'Local'?
- What is the 'family' of Dudley Buyers (Council, Health etc):
- Establish level of commitment and identify dedicated resources to develop, maintain and promote B2B initiative
- How do we meet businesses needs by also promoting non-trading, in addition to a local focus?
- Consider sector specific Directories – replicate of BC Bullet which provides a Directory for automotive companies

The Assistant Director of the Urban Environment (Economic Regeneration & Transportation) gave a brief update in relation to the Black Country City Deal that had been approved and stated that the four Black Country authorities would work collaboratively to address issues that were currently stifling the economy and would invest in economic growth. Two common issues highlighted as a concern for the Black Country were in relation to the lack of readily available development sites and the availability of a skilled workforce.

Following the detailed presentation, Members commended Officers on the excellent report and presentation and asked questions and made comments as follows:-

- Members welcomed, applauded and endorsed the news of the Black Country City Deal and requested that this be incorporated into the work achieved by the TORCh group.
- Members were concerned that local businesses were unaware of the support and information that was available from the Council and considered that the promotion of the Dudley Business First portal, to advantage local businesses, should be made a priority.
- It was considered that the Council needed to be more pro-active with town regeneration plans and when resolving problems that arise from these developments.
- A review of Dudley's Procurement strategy was welcomed and contracts with local suppliers was encouraged.
- It was recommended that the number of websites and business portals be reduced and linked together to prevent confusion to users and the need for multiple registrations.
- A Member raised concerns in relation to the practicality of small businesses being refused funding through Dudley Business First as they were not requesting large enough amounts of funding.
- The need to promote and advertise industrial skilled work in Schools.

The Scrutiny Committee reiterated their support for the Black Country City Deal and expressed their commitment to bringing businesses and employment back into the borough.

RESOLVED

That the contents and recommendations presented by the TORCh Group, in relation to Support to Local Businesses (Area 2 – Business to Business), be noted.

33 UPDATE ON THE VIRTUAL TRAFFIC REGULATION ORDERS PROCESS

A verbal update was provided by the Lead Officer of the Scrutiny Committee in relation to the Virtual Traffic Regulation Orders (TRO) Process. He referred to a briefing note that would be circulated to all members by the Principal Executive Support Officer in relation to the current virtual TRO process and areas that required improvement, scoring criteria and the proposal for a cross-party working group.

The Lead Officer reiterated that Members feedback was crucial in order to support the scrutiny review in this area and all comments would be welcomed.

RESOLVED

- (1) That the verbal update provided by the Lead Officer in relation to the Virtual Traffic Regulation Orders Process, be noted.
 - (2) That the Principal Executive Support Officer circulate to members of the Scrutiny Committee a briefing note in relation to Improving the Traffic Regulation Order process.
-

The meeting ended at 7.20pm.

CHAIR

URBAN ENVIRONMENT SCRUTINY COMMITTEE

Wednesday 22nd January, 2014 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Tyler (Chair)
Councillor Hale (Vice Chair)
Councillors Ali, Duckworth, Hanif, Harley, J Jones, Jordan, Kettle, Sykes and Westwood

Officers

Assistant Director of Adult, Community and Housing Services (Housing Strategy and Private Sector) (Lead Officer to the Committee); Head of Traffic and Transportation, Principal Executive Support Officer (Both Directorate of the Urban Environment) and the Assistant Democratic Services Officer (Directorate of Corporate Resources).

34 DECLARATIONS OF INTEREST

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

35 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 12th December, 2013, be approved as a correct record and signed.

36 PUBLIC FORUM

No matters were raised under this Agenda Item.

37 TRAFFIC REGULATION ORDERS – THE PROCESS

A report of the Director of the Urban Environment was submitted on an overview of the findings of the 'virtual' review of the Traffic Regulation Order process.

The Head of Traffic and Transportation presented the report and gave a short presentation relating to what a Traffic Regulation Order (TRO) was; the reasons for the establishment of the virtual scrutiny process; initial sift of requests received and the scoring criteria process; the proposed member consultation and the development of an annual programme and how this would be implemented.

Arising from the presentation of the report submitted, members asked questions and made comments and the Head of Traffic and Transportation responded as follows:-

- Creating none fee paying car parks would not necessarily alleviate all car parking problems, particularly in town centres, as these car parks could become popular and would deter people from parking on paid car parks. All free car parking spaces could be taken up by people who worked within that town and shoppers visiting would not then see any benefit.
- The scoring of TRO requests would be carried out by Transportation Officers against agreed criteria, prior to being circulated to Ward Members and the public, for consultation.
- A Member suggested that consideration be given to providing car parking permits to local residents that live within close proximity to a car park that is under-used to try and alleviate some of the on-street parking issues in these areas.
- It was hoped that the new process would speed up the implementation of orders and it was suggested that if Members were aware of a change in circumstances at a proposed TRO site, that Officers be informed.
- TRO requests would be accepted from the public by phone, in writing or via a Ward Member. All requests would be subject to a technical check and if determined feasible, would be put forward for further consideration.
- Members emphasised the importance of Ward Member involvement in the process and requested that they be notified following the scoring criteria process and before public consultation. All Members agreed that early intervention was necessary.
- Alternative ways of advertising future TRO's were discussed and it was suggested that a possible option would be for inclusion on Community Forum agenda's, when applicable, and to explore utilising social media.
- It was confirmed that TRO enforcement staff move around the whole borough and focus on active areas such as town centres. However if a particular issue is raised and needed to be addressed, enforcement officers would be flexible and move to that particular area to help resolve an issue.

- It was stated that a review of all TRO's had taken place in 2007 when the Council undertook the responsibility of the enforcement of all on-street parking restrictions in the borough. Additional orders had since been implemented, but there was no pro-active way to review these orders other than upon request.
- Excessive signage within the Borough was in the process of being reviewed. It was confirmed that there is a statutory requirement for signage to be displayed and if not displayed correctly the order may not be enforced.
- Council officers, due to legal restrictions, are unable to question people that park on-street, so officers have difficulty in ascertaining the identify and reason why people parked within a residential street and rely upon the person who submitted the TRO request to provide as much detail as possible.

The Chair on behalf of the Scrutiny Committee commended Officers on an excellent report and for all the hard work that had been put into the virtual scrutiny process which was considered to have worked well.

RESOLVED

- (i) That the information contained in the report submitted and presented at the meeting, in relation to the virtual review of the Traffic Regulation Order Process be noted.
- (ii) That the following outcomes, as updated in relation to notification of Ward Members, in the light of comments made at the meeting, be recommended to the Cabinet Member for Transport following the scrutiny of the Traffic Regulation Order process:-
 - (a) All new requests for Traffic Regulation Orders be directed through an Annual Programme, with the exception of developmental, temporary, emergency/urgent or experimental orders which are dealt with by separate processes.
 - (b) All new requests be subject to an initial sift to review feasibility resulting in a response being issued to the applicant.
 - (c) That pre-defined scoring criteria be used to prioritise requests and that Ward Members be notified following the scoring criteria process and before public consultation.

- (d) That a Cross Party Members Working Group be appointed to consider proposals following public consultation, with the membership to be on the basis of political proportionality, to be determined in due course.
 - (e) That requests that fail to achieve one-third of the maximum potential points (ie 17 out of 51 points), be deemed outside the scoring range and would not be subject to any further consideration.
 - (f) That website contents be updated to reflect revised working arrangements.
-

The meeting ended at 7.00pm.

CHAIR

ADULT, COMMUNITY AND HOUSING SERVICES
SCRUTINY COMMITTEE

Wednesday, 4th December, 2013 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Islam (Chair)
Councillor James (Vice Chair)
Councillors Baugh, Evans, Herbert, J Martin, Miller, Mottram and Vickers

Officers

Assistant Director, Customer Services (Lead Officer to the Committee);
Assistant Director, Quality and Commissioning, Head of Commissioning,
Efficiency and Making it Real and Head of Finance and Accountancy (all
Directorate of Adult, Community and Housing Services) and Mrs K Buckle
(Directorate of Corporate Resources)

Also in Attendance

Ms J Leeson, Chief Executive of Changing our Lives and Member of the
Making It Real Board and Ms I Brant, MP in the Dudley People's Parliament
and participant in the Quality of Life Audits.

27. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of
Councillors Body and M Wilson.

28. **DECLARATIONS OF INTEREST**

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

29. **MINUTES**

RESOLVED

That, the minutes of the meeting of the Committee held on 11th
November, 2013, be approved as a correct record and signed.

30. PUBLIC FORUM

No issues were raised under this agenda item heading.

31. MAKING IT REAL AGENDA

A report of the Director of Adult, Community and Housing Services was submitted on the impact of the Making It Real Agenda for the people of Dudley.

The Assistant Director, Quality and Commissioning referred to the request of members at their meeting in September for three additional sources of evidence including information about the way Dudley invests in preventative care and real life stories about how people in Dudley had been impacted by the Making It Real Agenda. He referred to the two presentations that would be made by the Head of Commissioning, Efficiency and Making it Real of the Demand Management Model and Ms J Leeson and Ms Brant in relation to Changing Our Lives Quality of Life Audits and Standards.

It was agreed that the presentations would be emailed to Members.

The presentation in relation to the Demand Management Model comprised:-

- Opening remarks about the Demand Management Model that had been created in view of the continual savings that were required in the way health and social care were delivered. It was noted that the model addressed demand and how patients were managed through the care pathway. Data in relation to the number of people who utilized prevention resources and costs were outlined. Comparisons between the current population figures and future trends by 2030 were displayed.
- Details of the Dudley Falls Service, the Occupational Therapy, Community Equipment Service and the Telecare Service were provided together with the effectiveness and average cost of these services to each person. It was noted that these services were effective as they continued to prevent people from entering into long-term care.
- Arising from this aspect of the presentation the Assistant Director of Quality and Commissioning agreed that a geographical mapping exercise would be undertaken in relation to the uptake of preventative services and Members would be provided with details of the areas where the services were being accessed.

- In responding to a Member's question the Assistant Director of Quality and Commissioning advised that 11,000 items of community equipment had been provided to 2062 patients in 2013 with some equipment being recycled. The cost of this service was outlined and it was noted that this provided a preventative rather than a respite care service in order for people to live independently.
- The Reablement statistics were referred to including the community based services, how the services had developed and details of comparative performance. It was noted that in relation to effectiveness 45% of people who had accessed the Community and Residential Intermediate Care Services in 2012/13 did not go onto receive another Adult Social Care Services during this period.
- In relation to Reablement/Intermediate Care details of admissions in 2012/13 into New Bridge House, New Swinford Hall and Tiled House were provided and it was noted that there had been an average of 14 discharges per week in 2012/13. In relation to effectiveness it was noted that 46% of people who used those services had not gone on to receive another mainstream Adult Social Care service during this period. It was stated that the costs of Tiled House had increased as the upper floor was now in use, however the average costs per person had decreased.
- In relation to the Home Reablement service within the Community there had been a significant increase in the hours that this service provided, however average costs per person had decreased with a higher level of care increasing.
- The Assistant Director, Quality and Commissioning reported that the earlier people were met in the care pathway would result in them being able to live independently which would lower costs of health and social care services and evidence supported the business case for investment in the new structure.

Arising from the presentation, members asked questions and made comments and Officers responded as follows:-

- Work was undertaken to provide preventative care services with partners.
- That the Clinical Commissioning Group funded the Tiled House Residential home and was staffed by the Directorate of Adult, Community and Housing Services.
- That partnerships had been formed with 17 Community Pharmacists who sign posted members of the public to the health and social care services provided by the Directorate.

- That there were different performance measures for differing areas of care which depended upon the services provided in different areas and the levels of need and the aim of the services provided were to prevent people entering into long term care;
- Two key areas of significant increases in health and social care had been identified which were for those aged 80 plus being primarily diagnosed with dementia and those aged 50 plus with learning disabilities which would result in a significant increase in resources and the model required further work on interventions in order to address additional care provision within those areas and that engagement with a broader range of people was required in order to make resources work harder.
- That the Telecare service had been operational for a number of years and had been marketed in a number of different ways with work being undertaken with voluntary and private sector partners. Work had also been undertaken with Healthwatch and different ways to raise the profile of services had been undertaken including work conducted with Age Concern, the Warm and Well Service, publicising services when writing to Council tenants and a recent event which had taken place at Himley Hall.
- It was confirmed that should a resident of Borough be registered with a General Practitioner's surgery outside the Borough, they would be offered the same health and social care services as they remained a resident of the Dudley Borough.
- That the effectiveness of services was also measured by perusing data in relation to members of the public using other services for example re-entering the system to access additional services at a later date.
- That the increase in more preventative services including the reablement service had reduced costs;
- In relation to response times, these would be dependant upon the service by looking at time based needs, whether standard equipment was required, the complexity of the case, urgency and individual circumstances.

A further presentation was considered on Changing Our Lives Quality of Life Audits and Standards. The presentation comprised of the following:-

- The Quality of Life Standards were based on people with disabilities being seen and respected as equal citizens in society. The standards had been written by over 650 young people and adults with learning disabilities and autism in partnership with people with physical disabilities and sensory impairments, older people and people with mental health needs.

- Ms Brant outlined the activities that she could now conduct independently following attending a course on travelling on public transport and being able to manage her own money. She also referred to the Quality of Life Audits which were a person centred way of checking quality of life with each audit being led by a paid individual with disabilities and the range of tools available in each audit to gather evidence such as interviewing staff, observation checking activity plans, communication passports and other documents.
- Arising from this part of the presentation in responding to a Member's question Ms Brant advised that communication passports contained details of what an individual person would require to communicate which could range from noise to sign language and that Communication Passports enabled people to communicate independently without the need to involve a third party.
- Ms Leeson referred to the Winterbourne review and the work that would be launched by Norman Lamb, Care Minister in 2014 following this review in relation to developing audit teams lead by people with disabilities and the work that had been undertaken in Dudley in order to produce the Good Practice Guidance which would be show cased in the House of Commons in February.
- Ms Brant referred to her meeting with Norman Lamb, shadowing Jon Rouse, the Director General of Social Care, Local Government and Care Partnerships and also shadowing the Director of Adult, Community and Housing Services.
- Ms Leeson referred to the advocacy needs which required further development for vulnerable groups and the Staying Safe Scheme, that provided people with safe places to enter within the Borough should they be out and feel vulnerable which needed to be rolled out across the Country.
- Ms Leeson referred to the position stories in relation to leading a full life with community support advising that these stories could be used to promote the Council's preventative services.
- Following further discussions, Members recommended that the Safe Places scheme should be publicised through small businesses and rolled out to all public facing Council Offices.

Members thanked and congratulated Ms Brant on her excellent presentation.

RESOLVED

- (1) That the information contained in the report, as previously circulated to the Committee, and in the presentations given at the Committee on the Demand Management Model and Changing Our Lives Quality of Life Audits and Standards, be noted.
- (2) That the Assistant Director, Quality and Commissioning be requested to respond to Members direct with the geographical mapping data referred to above.
- (3) That the Lead Officer to the Committee be requested to advise the Cabinet Member for Adult and Community Services that Members supported the Safe Places Scheme and recommend that it be promoted through small businesses within the Borough and rolled out to all public facing Council Offices.

The meeting ended at 8.10 p.m.

CHAIR

HEALTH SCRUTINY COMMITTEE

Thursday 23rd January, 2014 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Ridley (Chair)
Councillor Kettle (Vice-Chair)
Councillors Cotterill, Elcock, Harris, Hemingsley, Jordan, Ms Nicholls, Roberts and
Mrs Walker and Ms Pam Bradbury – Chair of Healthwatch

Officers

Assistant Director of Law and Governance (Lead Officer to the Committee), Director of Public Health, Assistant Director, Adult Social Care (Directorate of Adult, Community and Housing Services), Ms K Jackson – Consultant (Office of Public Health Chief Executive's), Scrutiny Officer (Directorate of Adult, Community and Housing Services) and Mrs M Johal (Directorate of Corporate Resources)

Also in Attendance

Councillor S Turner – Cabinet Member for Health and Well Being
Mr P Maubach – Accountable Officer (Dudley Clinical Commissioning Group)
Mr J Evans – Urgent Care Commissioning Manager (Dudley Clinical Commissioning Group)
Mr C Harris – West Midlands Ambulance Service
Ms C Clayton – West Midlands Ambulance Service

27 CHAIR'S REMARKS

The Chair welcomed Ms Pam Bradbury, the Chair of Healthwatch, to the meeting and indicated that she would fill the vacant position on the Committee as a Co-opted Member to the end of the Municipal Year.

28 CHANGE IN ORDER OF BUSINESS

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

RESOLVED

That Agenda Item No 8 (Update on Urgent Care Public Consultation) be considered after Agenda Item No 6 (Responses to Questions Arising from Previous Committee)

29 APOLOGIES FOR ABSENCE

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

30 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor Elcock had been appointed as a substitute member for Councillor Mrs Rogers for this meeting only.

31 DECLARATIONS OF INTEREST

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

32 MINUTES

RESOLVED

That the minutes of the meeting of the Health Scrutiny Committee held on 7th November 2013 be approved as a correct record and signed subject to an amendment to Minute No 25 to include the following paragraph at the end of the preamble "In conclusion a Member stated to the Dudley Clinical Commissioning Group that whatever conclusion came out of the consultation on urgent care that the Committee would view it as a substantial variation to services and would wish to scrutinise that decision."

33 PUBLIC FORUM

No issues were raised under this agenda item.

34 RESPONSES TO QUESTIONS ARISING FROM PREVIOUS COMMITTEE MEETING

A report of the Lead Officer to the Committee was submitted on updates and responses arising from the previous Committee meeting.

RESOLVED

That the information contained in the report, and Appendix to the report, submitted on updates and responses arising from the previous meeting, be noted.

A report of the Chief Accountable Officer, Dudley Clinical Commissioning Group (CCG) was submitted on the public consultation on urgent care in Dudley which the CCG carried out from 1st October to 24th December, 2013. Attached as appendices to the report submitted were copies of reports that had been submitted to the CCG Board on the consultation exercise and a report outlining proposals for urgent care reconfiguration developed in response to feedback received during the consultation.

In presenting the report, Mr Maubach stated that the CCG had undertaken a robust consultation process and had listened to the views of the Committee which had resulted in additional surgeries being held. Healthwatch Dudley had been commissioned to carry out a targeted research exercise that involved talking to service users at Russell's Hall Accident and Emergency Department and the Walk-In Centre over a period of seven days from 29th November – 5th December.

The consultation process had highlighted some positive views and also some concerns and three main areas of concern were whether transferring urgent care to Russells Hall would create additional pressure on the Accident and Emergency Department (A&E), accessibility and issues around parking. The CCG Board had discussed the issues at length and it was considered that the proposed model would reduce the pressure on A&E as all patients would be triaged at the single point of entry and that Russells Hall was easier to get to by public transport. With regard to parking it was considered that although it was an issue it was not a sufficient reason to outweigh the health benefits to the public. However, for mitigation purposes, it was proposed that a telephone system would be introduced whereby a patient would initially call and be triaged over the phone. Following assessment if attendance at Russells Hall was required an appointment would be made which would reduce the waiting time for the patient resulting in reduced parking charges.

Another key issue emanating from the consultation process was that the public were keen on the Walk in Centre so the Board took the view that a walk in service should also be provided as part of the new urgent care facility. The current Walk in Centre operated from 8 am – 8 pm and it was proposed that the combined walk in service would operate as a 24 hour facility.

A Member commented that he had attended several meetings with the CCG and he was of the opinion that proposals for the urgent care facility to be based at Russells Hall were being pushed. He stated that he had spoken to several people and the view was that the public wanted more walk in centres spread across the Borough. Another member referred to public transport and indicated that the argument of accessibility to Russells Hall being easier by public transport only applied whilst buses were operating. It was also commented that if a person was not well they did not want to travel on the bus.

Arising from further comments and queries from Members Mr Maubach stated that the contract for the Walk in Centre had been extended until September, 2014 to allow the consultation that had just been completed to take place and to then give time to develop the new service specification before tendering for the new service. The detailed report produced by Healthwatch would be taken into account to aid design specifications for the urgent care facility. The proposal to base the facility at Russells Hall revolved around clinical reasons to integrate services as it was deemed to be safer and a national report had also stated that integrated delivery of services had better outcomes and was safer for the public. Insofar as more walk in centres spread across the Borough were concerned, Mr Maubach stated that this would inevitably incur additional costs and cuts would need to be made elsewhere.

In responding to further questions Mr Maubach refuted the comment made that the CCG were putting money before patients and he stated that the overriding factor was to improve services and the only objective was to produce a high quality service. National guidelines and best practice all pointed towards the integration of services and by creating a single 24 hour service would assist patients as they would not be going to different centres at different times and the telephone service would also enhance the facility and save time for patients.

Further comments made included:-

- How much had the consultation cost
- Walk in centres were clinically risky as staff could not access patient records and it was queried whether the new urgent care facility would have access to patient records
- Parking at Russells Hall was an issue and the relevant Scrutiny Committee should investigate the matter
- Dudley Group Foundation Trust should give consideration to staggering hospital clinic opening and visiting times to alleviate the parking situation.
- Would it not be better for individual GP's to set up their own triaging services at their surgeries that could be run by suitably qualified nurses
- It was suggested that the current contract for the Walk in Centre be extended beyond September 2014 to enable new systems and the facility to be fully operational and in place.
- The public wanted easier access to GP's and it was considered that efforts should be targeted on that aspect instead of concentrating efforts to moving a facility to Russells Hall

Mr Maubach responded to comments made and stated that although the urgent care facility was still to be based at Russells Hall the proposed design was substantially different as public views had been taken into account. Full patient records at the current Walk in Centre and at A&E were not available for medical staff and one of the benefits in seeing your own GP was that they had full patient history and records. However, discussions were being undertaken with a view to the creation of a single computer system to enable all medical staff to gain access to patient records but this was a long process and required significant collaboration. With regard to triaging Mr Maubach stated that currently at A&E it was carried out by a nurse and by a trained administrator for the 111 service. A decision had not been made on what triaging method would be used but best practice would be followed

and Mr Maubach undertook to report back to a future meeting on the preferred option. With regard to GP access it was stated that the biggest issue was to ensure that access to GP's did not get worse as any deterioration would have a significant adverse impact.

A Member referred to the proposal for reconfiguration of urgent care and commented that this was a substantial change in service which affected a large number of people using the service and queried why there was no financial information provided. A recommendation or review could not be undertaken until full financial details and a precise specification of the proposed model to include staffing structures and an implementation plan for continuous improvements was available to enable comparisons to be made.

The Chair on behalf of the Committee thanked Healthwatch for the work undertaken in producing the report and time spent in interviewing people.

In conclusion it was agreed that a Special Meeting of the Committee be held in March, 2014 to consider the matter further including cost implications, staffing and parking and that various partners be invited to give evidence and answer specific queries.

RESOLVED

- (1) That the consultation activities set out in the report submitted by way of assurance that the CCG has fulfilled its statutory obligations to properly consult on proposed changes to the urgent care system, be noted.
- (2) That the feedback received which would be taken into account when agreeing steps in developing an improved urgent care system for the people of Dudley, be noted.
- (3) That the Dudley Clinical Commissioning Group be requested to provide a further report to include details of capital resource, costs involved, staffing structure and parking issues to a Special Meeting of the Committee to be held on a date to be determined in March, 2014.

A report of the Chair of the Dudley Health and Well Being Board was submitted updating the Committee on the developments of the Health and Wellbeing Board and progress of work from 1st, April 2013.

Arising from the presentation of the report the Cabinet Member for Health and Well Being, Director of Public Health and Ms Jackson responded to Members' queries and commented that revenue generated from consequences of breach remained within the CCG's budget to use to make health improvements; hospital ambulance turnarounds were an issue but improvement work was ongoing and that work that had previously been undertaken by the Shadow Health and Well Being Board had continued and follow up work undertaken.

In responding to a query from a Member on whether it was considered that three Members of the Council were sufficient to sit on the Health and Well Being Board, the Director of Public Health confirmed that there were four Members and stated that the minutes of the Health and Well Being Board were available for public perusal and were included in the White Book for Members' attention. It was further commented that constitutional arrangements stipulated membership for Council Members to be at a minimum number but that there was no maximum limit set. However, it was pointed out that there was a need to strike a balance given the number of various partners on the Board and to ensure that there was sufficient community as well as Members' views. In response to a request the Director of Public Health undertook to circulate to Members the membership of the Health and Well Being Board.

In responding to further questions Ms Jackson indicated that timescales for commissioning a Mental Health Service for the 16 – 18 age group and key actions could not be given as yet as the matter had been referred to the Children's Commissioning Board for consideration. In referring to Healthy Services: Urgent Care Dashboard as referred to in the Appendix to the report, in particular to ambulance handover and ambulance crew readiness the Vice Chair requested that figures, based on the worst scenario, be given on how many ambulances were available to undertake normal emergency work taking into account the number of queuing ambulances in hospitals. Mr Harris (WMAS) undertook to provide the requested information to Members and commented that queuing ambulances at hospitals was an issue but efforts were being made to monitor the situation with a view to escalating through the system at various trigger points.

In responding to a query from a Member relating to what work the Health and Well Being Board had undertaken since April last year to improve the health and well being for residents in the borough and any relating evidence and how the spotlight sessions had been chosen, the Cabinet Member for Health and Well Being and the Director of Public Health explained the work undertaken and also referred to the Health and Well Being Strategy. The strategy had identified five priority areas and spotlight sessions with key stakeholders were arranged, one for each priority area and attempts were made to ascertain and determine positive and negative aspects with a view to improvements being made. The Cabinet Member for Health and Well Being stated that achievements were based on integrating services and joint commissioning which was a challenge.

In conclusion the Chair requested that a further report be submitted to the Committee in the Autumn to include overall indicators, an implementation Plan and performance framework.

RESOLVED

- (1) That the information contained in the report, and Appendices to the report, submitted on the developments of the Health and Wellbeing Board and progress of work for 2013/14, be noted.

- (2) That a further report to include overall indicators, an implementation Plan and performance framework be submitted to a future meeting of the Committee.
-

37 111 SERVICE

A verbal report and presentation was made on the 111 Service by the West Midlands Ambulance Service (WMAS). Copies of the slides of the presentation were circulated for information to Members.

In presenting the information on the 111 Service, Ms Clayton, West Midlands Ambulance Service, provided some background information in that the WMAS had been approached by the National Health Service (NHS) England as the preferred “step in” partner for the West Midlands region following withdrawal of the contract from NHS Direct. The transfer took place in November 2013 and since that date, NHS 111 had continued to improve on performance and now regularly achieved over and above the set target.

There had been a number of changes to the delivery model including increased access to clinical support for non clinicians; a Clinical Manager running each shift and additional training for new staff that incorporated the accredited First Person on Scene course. During the Christmas period (23rd December – 5th January, 2014), 37,913 calls were answered and on average, 97.2% of those calls were answered within sixty seconds, which exceeded the target of 95%. Since providing the service, WMAS had received various compliments and there was a feeling of positivity for NHS 111 staff.

Ms Clayton then went on to explain points about the 111 structure, how calls were dealt with, clinical governance, winter contingency, partnership and integrated working.

Arising from questions from Members, Ms Clayton stated that there was a peak in calls during early mornings and evenings which coincided with the closing times of General Practitioners (GP's) surgeries, the contract was due to end in August 2015, there were 41 Health Advisors and 19 Clinical Advisors on duty and that they were constantly striving to win back public confidence which was being achieved given the number of increased calls.

The Chair thanked the West Midlands Ambulance Service for their presentation and commented that some faith had been restored and she urged that they attend the special meeting to consider urgent care.

RESOLVED

That the verbal report and information contained in the presentation on the 111 Service, be noted.

The meeting ended at 8.40 p.m.

CHAIR

APPEALS COMMITTEE

Wednesday 8th January, 2014, at 10.00 a.m.
in Committee Room 3

PRESENT

Councillor J Martin (Chair)
Councillor Hale (Vice-Chair)
Councillors Bills, Evans and Ms Nicholls, together with Mrs K Jesson – HR Service Partner, Mr M Farooq – Legal Advisor to the Council, Mr A McCabe – Solicitor and Mrs K Buckle (all Directorate of Corporate Resources)

ALSO IN ATTENDANCE (AS INDICATED)

An Assistant Director of Children's Services and Mr JD

6. APOLOGIES FOR ABSENCE

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

7. DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct, in respect of any matter to be considered at this meeting.

8. MINUTES

That, the Minutes of the meeting of the Committee held on 5th June, 2013, be approved as a correct record and signed.

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

Description of Item

Relevant Paragraph of Part I of
Schedule 12A

Appeal by Mr JD

1

10. APPEAL BY MR JD

The Committee considered an appeal on behalf of Mr JD against his dismissal from the employment of the Council. The Council's procedure was followed.

Prior to the commencement of the meeting Mr McCabe circulated a revised statement of facts and witness statement outlining the amendments.

Following further discussion and subject to one further amendment to the revised statement of facts was agreed by Mr JD.

There followed an initial adjournment in order for the Panel to consider a further document submitted by Mr JD.

The Human Resources Advisor to the Panel outlined the procedure to be followed.

Mr JD was in attendance at the meeting and summarised his case.

The Council's representative, Mr A McCabe summarised the Council's case and called an Assistant Director of Children's Services, Directorate of Children's Services as a witness who read his witness statement and responded to questions from the Panel and Mr JD.

There followed a short adjournment in order for the Panel to consider the Appellant's job description.

The meeting was re-convened and Mr JD presented his case and responded to questions from the HR Adviser to the Panel, the Lawyer advising the Panel, Mr M Farooq, and the Panel.

Both parties made their final submissions and there followed a short adjournment in order for Mr JD to consider the exceptional mitigating circumstances that he wished to put forward.

The meeting was re-convened and the Appellant Mr JD continued with his final submissions. Following the submissions the parties left the meeting, at which point the Committee continued its deliberation. Following its deliberation it was

RESOLVED

- (1) The decision to dismiss Mr JD be upheld as the Committee considered that there were no exceptional mitigating circumstances to justify action short of dismissal.

(The Committee were unanimous in the above decision).

- (2) That the Assistant Director of Human Resources and Organisational Development be requested to urgently investigate the Council's procedures on checking driving licences and motor vehicle insurance and ensure that adequate control mechanisms are in place for annual checks of these documents.

The meeting ended at 12.40pm

CHAIR

APPEALS COMMITTEE

Wednesday 15th January, 2014, at 10.00 a.m.
in Committee Room 3

PRESENT

Councillor J Martin (Chair)

Councillor Hale (Vice-Chair)

Councillors Aston, Bills, Elcock, Evans and Ms Nicholls, together with Ms L Morgan-Danks – HR Service Partner, Mr A McCabe – Employment Lawyer, Ms S Riaz – Solicitor and Mrs K Buckle (all Directorate of Corporate Resources)

ALSO IN ATTENDANCE (AS INDICATED)

An Assistant Director of the Directorate of the Urban Environment, Mr CW, Mrs HM and Ms SL.

Mr SP and his representative Mr SD.

Councillor A Aston left the meeting prior its commencement.

11. APOLOGY FOR ABSENCE

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

12. DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code of Conduct, in respect of any matter to be considered at this meeting.

13. MINUTES

That, the Minutes of the meeting of the Committee held on 8th January, 2014, be approved as a correct record and signed.

14. 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 I of Schedule 12A to the Local Government Act, 1972, as indicated below, and in all 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 Paragraph of Part I of Schedule 12A</u>
Appeal by Mr SP	1

15. APPEAL BY MR SP

The Committee considered an appeal on behalf of Mr SP against his dismissal from the employment of the Council. The Council's procedure was followed.

Prior to the commencement of the hearing Ms Riaz confirmed that the statement of facts had been agreed subject to the amendment to the date of the preliminary interview and the inclusion of a letter written to the Appellant by an Assistant Director in the Directorate of the Urban Environment dated 6th November, 2008.

The Human Resources Advisor to the Panel outlined the procedure to be followed.

Mr SP was in attendance at the meeting and both he and his representative Mr SD summarised his case and both responded to questions from the Panel and the Human Resources Advisor.

The Council's representative, Ms S Riaz summarised the Council's case and called an Assistant Director of the Directorate of the Urban Environment and Mr CW as witnesses who read their witness statements and responded to questions from the Panel, Mr SP and Mr SD.

There followed an adjournment.

The meeting was re-convened and the Council's representative, Ms S Riaz called Ms SL and Mrs HM as witnesses who responded to questions from the Panel, Ms S Riaz, Mr SP and Mr SD.

Mr SP and his representative Mr SD presented his case and responded to questions from the Panel and Ms S Riaz.

Following the presentation of the case the parties left the meeting, at which point the Committee continued its deliberation. Following its deliberation it was

RESOLVED

- (1) That the decision to dismiss Mr SP be upheld as the Committee considered that there were no exceptional mitigating circumstances to justify action short of dismissal.

(The Committee were unanimous in the above decision).

- (2) That the Director of the Urban Environment notify the Appellant's professional body that he has breached the Council's Code of Conduct for Employees and implement certain procedural matters suggested by the Committee.
- (3) That the Assistant Director of Human Resources and Organisational Development be requested to remind Council employees of the importance of familiarising themselves of the Council's Code of Conduct for Employees.

The meeting ended at 4.20pm

CHAIR

AC/8

AUDIT AND STANDARDS COMMITTEE

Tuesday 10th December, 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, J. Martin, Taylor, Tyler and C Wilson

Officers

Treasurer, Head of Audit Services, Assistant Director, HR and Organisational Development, Assistant Director of Corporate Resources (Directorate of Corporate Resources); Director of the Adult, Community and Housing Services, Assistant Director of Housing Services, Review & Improvement Consultant (Directorate of Adult, Community and Housing Services); Audit Managers, Principal Auditor and Mrs K Taylor (Directorate of Corporate Resources).

Also in Attendance

Mr. S. Turner (Manager) (Grant Thornton)
Ms. S. Joburns (Grant Thornton)

28. **APOLOGY FOR ABSENCE**

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

29. **APPOINTMENT OF SUBSTITUTE MEMBER**

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

30. **DECLARATIONS OF INTEREST**

Councillor Cowell declared a non-pecuniary interest, in accordance with the Members' Code of Conduct, in Agenda Item 8 – Review of current Corporate Risks and Corporate Risk Scrutiny, in view of her being a Dudley Council tenant.

31. **MINUTES**

RESOLVED

That the minutes of the meeting held on 19th September, 2013, be approved as a correct record and signed.

32. GRANT THORNTON AUDIT AND STANDARDS COMMITTEE UPDATE

A report of the Treasurer was submitted on a report published by Grant Thornton updating members on progress in delivering their responsibilities as Dudley's external auditors. A list of the questions that Grant Thornton believed Audit and Standards Committee members should consider and the management responses were included in the report submitted. A copy of the full report was appended to the report submitted.

It was noted that Ms Joburns, Grant Thornton, who was in attendance at the meeting, would replace Mr Turner as Audit Manager, as Mr Turner would be moving to another audit. Members expressed their thanks and best wishes to Mr Turner.

Ms Joburns then presented the report and appendix to the report submitted and commented in particular that the purpose of the report was to report progress and highlight emerging national issues.

Ms Joburns further reported that the audit was on track, and that a further report would be submitted to a future meeting of the Committee.

RESOLVED

That the information contained in the report, and Appendix to the report, submitted on an Audit and Standards Committee Update published by the Grant Thornton, be noted.

33. ANNUAL AUDIT LETTER 2012/13

A joint report of the Chief Executive and the Treasurer was submitted on the External auditor's annual Audit Letter for 2012/13. A copy of the letter was appended to the report submitted.

Mr S Turner, Audit Manager, presented the report and Appendices to the report submitted, and issued an unqualified opinion.

Arising from the presentation of the report and Appendices to the report, submitted Mr Turner responded to questions asked and with regard to queries raised by members regarding Grant Thornton attending Cabinet in February, 2014 to discuss key messages, conclusions and significant issues, and the possibility of issuing early warnings in relation to any significant changes in respect of Value for Money.

RESOLVED

That the information contained in the report, and Appendices to the report, submitted on the Annual Audit Letter 2012/13 be noted.

34. ANNUAL REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE 2012/13

A report of the Monitoring Officer was submitted on the annual report of the Committee on Standards in Public Life 2012/13.

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

RESOLVED

That the Annual Report of the Committee on Standards in Public Life, attached as Appendix 1 to the report submitted, be noted.

35. REVIEW OF CURRENT CORPORATE RISKS AND CORPORATE RISK SCRUTINY

A report of the Treasurer was submitted on current corporate risks, as most recently reviewed by the Corporate Board, and to provide closer scrutiny of the Council's corporate risk – Risk ORG0017 – Welfare Reforms – that was identified for consideration by the Committee at a previous meeting.

The Assistant Director of Housing and the Assistant Director of Corporate Resources gave a power point presentation in relation to the background of Welfare Reforms, corporate risks and mitigating actions.

The Assistant Director of Housing reported to the Committee that the introduction of Universal Credit had been delayed, and referred to the change of remit of the Welfare Reform Project Board in order to provide a more corporate focus to ensure that the corporate agenda would be delivered.

The Assistant Director of Corporate Resources referred to Discretionary Housing Payments advising that these were discretionary awards used to cover the shortfall between Housing Benefit and the full rent.

It was anticipated that the Governments contribution to the 2013/14 scheme would be spent by March, 2014, and that there were additional funds available should there be any overspend. Any monies that were under spent would be returned to the Government.

The Assistant Director of Corporate Resources reported on the Local Welfare Assistance Scheme, advising that the Department for Work and Pensions responsibility for the discretionary elements of the social fund had been transferred on 31st March, 2013, and was now administered by the Council.

Reference was made to the types of awards made including food, energy and furniture, the various partnerships involved, the corporate risk in relation to the Council Tax Reduction scheme and that Government funding for the scheme was currently only guaranteed for a period of two years.

Reference was also made to the work undertaken by the Adult, Community and Housing Services Scrutiny Committee.

The Assistant Director of Housing referred to the increase in rent arrears arising from the introduction of the benefit cap, and that it was unlikely that repossession could be avoided. She reported on the emerging trends, including the cases where some tenants have left their property without warning due to them being unaffordable, and the high and competing demands for one bedroom stock and two bedroom houses.

It was further noted that the Cabinet Member for Housing/Community Safety had fully evaluated the potential to remodel existing stock and the reclassification of properties.

The impact on Dudley in respect of the provision of bad debt in relation to rent arrears was approximately £2million, which had increased compared to the figures during quarter two in 2012/13 and 2013/14.

Reference was made to partnership working, in particular, the introduction of "Jam Jar accounts" by Castle and Crystal Union that allowed tenants to earmark part of their income in order to pay for services such as rent, that could not be accessed and therefore reducing the risk of arrears. It was further reported that Adult Learning was running a "Live for Less" course to aid people to plan and budget their money, and further work required to help vulnerable adults.

The Assistant Director of Housing reported on the impacts resulting from Welfare Reforms to Statutory Service areas, including areas such as the potential increase in homelessness.

Arising from the presentation, Members asked a number of questions and the Assistant Director of Housing and The Assistant Director of Corporate Resources responded as follows:-

- In relation to monitoring private Landlords, it was reported that Private Sector Housing would investigate any issues or complaints raised, and that there were an increasing number of Landlords who would contact the service to ascertain advice and to report any concerns that they may have in respect of other private Landlords. There were also a number of actions and orders that could be imposed if necessary. Recent publications also identified that the number of private Landlords that accepted people on benefits was declining.
- That there were a number of cases that were awarded Discretionary Housing Payments, and that income officers had been chasing the recovery of rent arrears, however it was evident that some tenants had difficulty repaying. Should there be a possibility of court proceedings, advice would be given in an attempt to prevent this.
- That should a tenant become homeless, then they would be re-assessed for a property under the homelessness policy.
- The Assistant Director of Housing undertook to provide Councillor Arshad with comparison data in relation to rent arrears in other Local Authorities.
- That 70% of Discretionary Housing Payments were awarded to Council tenants, however these were currently limited to two per year per applicant, albeit this was now being extended to three per year. Dependent on their circumstances there were discretionary powers to extend if necessary. The calculations in order to reach a decision for the awards were primarily based on income, savings and the areas in which the recipient would need the grant.
- That any under spend in relation to the Welfare Assistance Scheme would not be ring-fenced, therefore allowing the money to be placed back in to the Council's budget.
- The figures from the Department for Work and Pensions in relation to the number of people who had been assisted had shown a downward trend. Reference was also made to the high volume of Crisis Loans and the Community Care grant scheme.
- That the Welfare Assistance Scheme projected spend for 2013/14 would be £200k (maximum).
- Concerns were raised in regard to the confusion to tenants who did not understand the system.
- An amendment had been introduced to a policy for those who could exchange with rent arrears in order to assist with people moving into alternative accommodation.
- That should additional funds be required in terms of the Discretionary Housing Payments, this could be met from the Housing Revenue Account for Council Tenants only.
- That the Council were investigating methods of regenerating the housing stock that they already had.

During his presentation of the content of the report, and Appendix 1 to the report submitted, the Treasurer referred, in particular, to the Committee giving consideration to identifying and scrutinising a specific risk from those shown in the Appendix for consideration when the Committee next considered the issue of corporate risks at its meeting in February, 2014.

Following further discussion it was

RESOLVED

- (1) That the information contained in the report, and Appendix 1 to the report, submitted on current corporate risks, be noted.
- (2) That the risk ORG0017 - Welfare Reforms and associated controls, be noted.
- (3) That the risk ORG0002 - Budget - be the particular risk identified for closer scrutiny the next time a risk report was referred for consideration by the Committee, on 13th February, 2014.
- (4) That the risk ORG0003 – Carbon Reduction – be presented as an information item, together with risk ORG0002, for consideration by the Committee, on 13th February, 2014.
- (5) That a progress report in relation to risk ORG0017 – Welfare Reforms – be referred for consideration by the Committee in April 2014.
- (6) The Assistant Director of Housing be requested to provide Councillor Arshad with comparison data in relation to rent arrears in other Local Authorities.

36. AMENDMENT OF STANDING ORDERS

A report of the Treasurer was submitted on the proposed amendments to Council and School Standing Orders.

Arising from the presentation of the report and Appendix to the report, submitted, the Head of Audit Services made particular reference to the promotion of the Corporate Procurement Manual, that would be a more efficient and effective way of staff obtaining guidance.

RESOLVED

- (1) That the proposed amendments to Council and School Standing Orders, attached as Appendix 1 to the report submitted, be approved.
- (2) That the Treasurer be authorised to make minor amendments if wider consultation identifies any changes prior to 1st April, 2014.

37. EXCLUSION OF THE PUBLIC

That the public be excluded from the meeting for the following items of business on the grounds that they involve 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.

<u>Description of Item</u>	<u>Relevant Paragraphs of Part I of Schedule 12A</u>
Suspensions under the Provisions of the Employee Improvement and Disciplinary Procedure	1
Annual Audit Report in relation to the Directorate of Adult, Community and Housing Services	2 and 7

38. SUSPENSIONS UNDER THE PROVISIONS OF THE EMPLOYEE IMPROVEMENT AND DISCIPLINARY PROCEDURE.

A report of the Director of Corporate Resources was submitted on the numbers of employees who were suspended pending an investigation into allegations of gross misconduct during the financial year 2012/13, and April 2013 to September 2013, in comparison with the previous years information.

Arising from the presentation of the report submitted and the asking of questions by Members, the Assistant Director HR and Organisational Development undertook to provide Councillor Taylor with supplementary information in relation to ongoing investigations.

Following further discussion it was

RESOLVED

That the information contained in the report submitted be noted and that the Assistant Director HR and Organisational Development be requested to provide supplementary information to Councillor Taylor in relation to ongoing investigations.

39. ANNUAL AUDIT REPORT IN RELATION OF THE DIRECTORATE OF ADULT, COMMUNITY AND HOUSING SERVICES

A report of the Treasurer was submitted on the audit work undertaken in the Directorate of Adult, Community and Housing Services for the financial year 2012/13 and incorporating details of the more important findings as indicated in Appendices 2 and 3 to the report submitted.

Arising from consideration of the report, and Appendices to the report, submitted Members asked a number of questions and made comments which were responded too, in particular in respect of the management responses highlighted in the report.

RESOLVED

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

The meeting ended at 8.15 p.m.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Monday 18th November, 2013 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Zada (Chair)
Councillor Casey (Vice-Chair)
Councillors A Ahmed, J Martin, Perks, Roberts, Mrs Westwood, C Wilson and Wright

OFFICERS:-

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

46 DECLARATIONS OF INTEREST

In accordance with the Members' Code of Conduct, the following Councillors declared a non-pecuniary interest in Planning Application No P13/0677 (7 Straits Road, Lower Gornal, Dudley):-

Councillor Casey as he knew the applicant and he withdrew from the meeting during consideration of the application.

Councillor Westwood as she knew the owners and was also employed by them and she withdrew from the meeting during consideration of the application.

Councillor Wright as he knew the applicants.

47 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 28th October, 2013, be approved as a correct record and signed.

PLANS AND APPLICATIONS TO DEVELOP

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

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

Plan No P13/1260 – Mr Flavell – an objector and Mr Owen an agent/applicant

Plan No P13/1341 – Mr A Barnett – an objector and Mr R Cobb – an agent/applicant

Plan No P13/1331 – Mr Denning – an objector

- (i) Plan No P13/1260 – Woodman Inn, 73 Mount Pleasant, Kingswinford – Change of use of First Floor of Public House to 5 No Bedrooms for Bed and Breakfast (C1) and New Doorway from Attic Flat onto Flat Roof Terrace/Balcony with Balustrade (Retrospective)

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

- (ii) Plan No P13/1341 – 1 Chelford Crescent, Kingswinford – Erection of 1 No Dwelling

Decision: Approved, subject to conditions, numbered 1 to 13 (inclusive), as set out in the report submitted.

- (iii) Plan No P13/1331 – 18 Breamore Crescent, Dudley – Erection of a Detached Outbuilding in Rear Garden (Retrospective)

Members noted the comments made by the objector in that residents of neighbouring properties strongly objected to the outbuilding; the purpose of the structure was to house a hot tub; people that would be getting in and out of the hot tub would be visible to neighbouring residents; the structure had caused the loss of light to a neighbouring window; it was considered that the structure had not been constructed in accordance with building regulations; there was no insulation in the booth or the walls and there was also confusion as Officers had said that it was a permitted development, however notice letters had then followed.

The Chair reported that the matter would be deferred to the next meeting to allow the applicant to respond. Members referred to the poor quality of the drawing in the report and asked that a further copy be provided.

Decision: Deferred to the meeting of the Committee to be held on Monday 25th November, 2013 and that the applicant be informed of the comments made by the objector.

- (iv) Plan No P10/0814/E1 – Stourbridge Rolling Mills, Bradley Road, Stourbridge – Extension of Time of Previously Approved Application P10/0814
-

Decision: Approved, subject to the following:-

- 1 The applicant entering into a Section 106 Agreement for a contribution towards the off-site provision and future maintenance of public open space and children's play facilities in accordance with the requirements of the Open Space and Planning Obligations Supplementary Planning Documents, canal side improvements and a management and monitoring fee.
- 2 The completion of the agreement by 18th February, 2014 and, in the event of this not happening, the application being refused, if appropriate.
- 3 Conditions, numbered 1 to 24 (inclusive), as set out in the report submitted, together with additional conditions, numbered 25 and 26, as follows:-
 25. No development shall commence until details of the provision of safe and secure undercover cycle storage provision for the apartments have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details and the cycle storage retained for the lifetime of the development.
 26. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

and that the Director of the Urban Environment be authorised to make amendments to these as necessary.

- (v) Plan No P12/0701 – Former Lloyds (Brierley Hill) Ltd, Brettell Lane, Brierley Hill – Erection of 80 Dwellings with Associated Access (Amended Proposal)

Decision: Approved, subject to conditions, numbered 1 and 3 to 26 (inclusive), as set out in the report submitted, together with an amended condition, numbered 2, as follows:-

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 10550-100-003, 10550-100-001-AA, York – 2 bed house, Wyevale – 3 bed house, Wessex – 3 bed house, Salisbury – 3 bed house, Midford – 4 bed house, Conway – 3 bed house, Fernlea – 4 bed house, Malbury – 4 bed house, Lydford – 4 bed house, Longworth – 4 bed house, Kentdale – 4 bed house, Lincoln – 4 bed house, 1A1279-100-5, 10550-906B, 10550-907A, 10550-GAR-01, 10550-GAR-02, 10550-GAR-02, Streetscene Plots 1-21, Streetscene Plots 21-25, Streetscene Plots 34-49.

- (vi) Plan No P12/0974 – 99 High Street, Dudley – Change of use and Alteration to Existing Building and Erection of Four and Five Storey Building to Provide 3 No Retail Units (2 x A1 and 1 x A3 Units) and to Create 20 No One and Two Bedroom Apartments with Associated Works

Decision: Approved, subject to the following:-

- 1 The applicant entering into a Section 106 Agreement for the provision of 5 affordable apartments (of which three should be one bedroom and two should be two bedroom apartments) and a management and monitoring fee.
- 2 The completion of the agreement by 16th December, 2013 and, in the event of this not happening, the application being refused, if appropriate.
- 3 Conditions, numbered 1 to 23 (inclusive), as set out in the report submitted

and that the Director of the Urban Environment be authorised to make amendments to these as necessary.

Having previously declared a non-pecuniary interest in the following application Councillors Casey and Mrs Westwood left the meeting and rejoined following its consideration.

- (vii) Plan No P13/0677 – 7 Straits Road, Lower Gornal, Dudley – Demolition of Derelict Cottage and Erection of 4 No Dwellings

Decision: Approved, subject to conditions, numbered 1 to 14 (inclusive), as set out in the report submitted.

- (viii) Plan No P13/1270 – 7 and 9 High Oak, Pensnett – Demolition of Existing Dwellings and Workshops and Erection of 10 No Dwellings (Outline) (Access and Layout to be Considered) (Resubmission of Refused Application P13/0609)

Decision: Approved, subject to conditions, numbered 1 to 19 (inclusive), as set out in the report submitted.

- (ix) Plan No P13/1287 – 256 Castle Street, Dudley – Change of use from Retail (A1) to Public Toilets (OSG) with New Front Stone Façade and Gated Entrance

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

- (x) Plan No P13/1306 – Land Adjacent to 14 Granville Drive, Kingswinford – Erection of 1 No Dwelling (Resubmission of Refused Application P13/0490)

Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted, together with an amended condition, numbered 8, as follows:-

8. No development shall commence until an amended site layout plan has been submitted to and approved in writing by the Local Planning Authority showing the provision of a landscaped area and single car parking space to the front of the approved building. The development shall thereafter take place in accordance with the approved details and the landscaped area and parking area retained for the lifetime of the development.

- (xi) Plan No P13/1333 – Land Between 42 and 44 Cobden Street, Wollaston, Stourbridge – Erection of 1 No Dwelling

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

The meeting ended at 7.40 pm.

CHAIR

DC/57

SPECIAL MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

Monday 25th November, 2013 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Zada (Chair)
Councillor Casey (Vice-Chair)
Councillors A Ahmed, J Martin, Perks, Roberts, C Wilson and Wright

OFFICERS:-

Mrs H Martin, Mr C Mellor, Mrs A Roberts, Mrs S Willetts (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

49 APOLOGY FOR ABSENCE

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

50 DECLARATIONS OF INTEREST

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

51 PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plan and application to develop. The application had been deferred from the meeting held on Monday, 18th November, 2013. The Chair advised the Committee to disregard the comments that had been made by the objector that had spoken at the previous meeting and that any decision should be based on comments made at this meeting.

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

Plan No P13/1331 – Mr Denning – an objector and Mr Batavia – an applicant.

Plan No P13/1331 – 18 Breamore Crescent, Dudley – Erection of a Detached Outbuilding in Rear Garden (Retrospective)

Members noted the comments made by the objector in that he was representing the views of a number of neighbouring residents; the house itself was elevated which caused overlooking from a side window into a neighbouring property which resulted in a loss of privacy; the purpose of the structure was to house a hot tub and residents did not want to see people getting in and out of the hot tub; the structure had caused the loss of light to a neighbouring window and the view from their garden was of the back of the structure which resembled a toilet block as it was made of concrete and there were also concerns about the finish of the block; properties would be devalued; the structure could be seen from a neighbouring street and there were also concerns that the surface water would drain into the neighbouring property as there was no suitable drainage.

Members also noted the comments made by the applicant in that work on the structure had ceased pending consideration of the application and that proposed works to the development were to include fascias and guttering and that the concrete block would be painted. He emphasised that he had complied with the required standards.

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

2. Within 3 months of the date of this decision the lower section of window openings on both the front and side elevations, below the opening lights shall be treated with an obscure glazed film to the inside of the window. This obscure glazed film shall be affixed to the windows and retained as such in perpetuity.

52 DEVELOPMENT CONTROL PERFORMANCE 1ST APRIL 2012 – 31ST MARCH 2013

A report of the Director of the Urban Environment was submitted on the performance of the Development Control Section for the period 1st April 2012 – 31st March 2013. The report included details of the processing of planning applications, appeals, enforcement investigations and trees and information relating to Planning Obligations in terms of monies approved, received and spent during the same period.

RESOLVED

That the information contained in the report submitted, on the performance of the Development Control Section for the period 1st April 2012 – 31st March 2013 and information relating to Planning Obligations, be noted.

The meeting ended at 6.50 pm.

CHAIR

DC/59

DEVELOPMENT CONTROL COMMITTEE

Monday 9th December, 2013 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Zada (Chair)
Councillor Casey (Vice-Chair)
Councillors A Ahmed, J Martin, Perks, Roberts, Mrs Westwood, C Wilson and Wright

OFFICERS:-

Mr I Hunt, Mrs H Martin, Ms J North, Mr P Reed, (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

53 DECLARATIONS OF INTEREST

In accordance with the Members' Code of Conduct, Councillor C Wilson declared a non-pecuniary interest in the following:-

Planning Application No P13/1317 (38 Ferndale Park, Pedmore, Stourbridge) as he knew the objector and he took no part in the discussion in considering the application.

Planning Application No P13/1448 (8 Redlake Drive, Pedmore, Stourbridge) as he knew the objector and he withdrew from the meeting during consideration of the application and rejoined the meeting following its consideration.

Planning Application No P13/1453 (36 Swindell Road, Pedmore, Stourbridge) as he knew the objectors and he withdrew from the meeting during consideration of the application and rejoined the meeting following its consideration.

54 MINUTES

RESOLVED

That the minutes of the meetings of the Committee held on 18th and 25th November, 2013, be approved as correct records and signed.

PLANS AND APPLICATIONS TO DEVELOP

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

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

Plan No P13/1317 – Ms C Taylor – an applicant

Plan No P13/1395 – Mr D Jones – an objector (on behalf of Mr and Mrs Struebig) and Mrs Smith – an applicant

Plan No P13/1443 – Ms V Rotheram – an applicant

Plan No P13/1453 – Mr R Harris – an objector

Plan No P13/1566 – Mr Colwell – an objector and Mr Westwood – an agent/applicant

Plan No P13/1596 – Mr K Taylor – an objector

- (i) Plan No P13/1317 – 38 Ferndale Park, Pedmore, Stourbridge – Part A – Fell 1 Lime Tree; Part B – Fell 2 Pine Trees

Decision:

1. That Part A of the application to fell 1 Lime Tree be refused for the reason as set out in the report submitted.
2. That Part B of the application to fell 2 Pine Trees be approved subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (ii) Plan No P13/1395 – 121 Cotwall End Road, Sedgley, Dudley – Single Storey Front and Rear Extensions

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

- (iii) Plan No P13/1443 – 131 Howley Grange Road, Halesowen – Part A: Front Canopy Roof (Retrospective); Part B: Provision of Decking in Rear Garden (Retrospective)

Members noted the comments made by the applicant in that the reason that the canopy was designed to be so far out was because she used it as a shelter to park two prams and she informed Members that she had received positive comments from neighbours as she had been asked for details of the builder on several occasions.

In considering the application Members were of the view that the design was not incongruous and that there was no demonstrable harm.

Decision: That Part A and Part B of the retrospective application relating to the front canopy roof and provision of decking in the rear garden be approved, subject to conditions to be agreed by the Director of the Urban Environment.

- (iv) Plan No P13/1453 – 36 Swindell Road, Pedmore, Stourbridge – Single Storey Storage Shed in Rear Garden (Retrospective)

Decision: Refused for the reasons as set out in the report submitted and that the Director of the Urban Environment be authorised to take Enforcement Action for the removal/relocation of the structure.

- (v) Plan No P13/1566 – The Albion Inn, 382 Albion Street, Wall Heath, Kingswinford – Erection of 4 No Dwellings on Existing Car Park and Garden to Existing Public House (Resubmission of Withdrawn Planning Application P13/1115)

Decision: Approved, subject to conditions, numbered 1 to 11 (inclusive), as set out in the report submitted.

- (vi) Plan No P13/1596 – Ketley Quarry, Dudley Road, Kingswinford – Variation of Condition 1 of Planning Approval 97/50322/C2 to Revise Phasing of Bund 4 Construction from 2015 to 2014

Decision: That the application be approved.

- (vii) Plan No P13/1182 – Land to Rear of Ashleigh House, 2 Ednam Road, Dudley – Erection of 11 No Apartments

Decision: Approved, subject to conditions, numbered 1 to 4 and 6 to 18 (inclusive), as set out in the report submitted together with the replacement of condition 5 and additional conditions, numbered 19 and 20, as follows:-

5. Notwithstanding the details shown on the submitted plans and stated in the submitted Design and Access Statement, prior to the commencement of development details of the types, colours and textures of all the materials to be used on the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Details/samples of the type, texture, colour and bond of the bricks to be used and a sample panel measuring not less than 1m² shall be erected on site and approved in writing by the Local Planning Authority. Key plans to cross reference the materials to the building facades will be required to clearly explain the use and type of material. The panel shall be retained on site for the duration of the development and thereafter new brick work shall only be constructed in accordance with these approved details. The development shall be carried out in complete accordance with the approved details.
19. Notwithstanding the details shown on the submitted plans, prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed materials to be used in boundary treatments at the site. This should include details of colour, texture and type of external brickwork and details of colour and type of railings and gates. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development unless otherwise agreed in writing.
20. Notwithstanding the details shown on the submitted plans and stated in the submitted Design and Access Statement, development shall not begin until full details of all the windows and doors and their material, finish/colour have been submitted to and approved in writing by the Local Planning Authority. Large scale architectural drawings (at 1:1, 1:2 or 1:5) and sections and profiles of jambs, heads, sills, glazing bars and headings together with their relationships to masonry apertures shall be provided.
- (viii) Plan No P13/1194 – 2 The Limes, Lyddington Drive, Halesowen – Part A – Fell 1 Birch Tree (T2); Part B – Fell 2 Birch Trees (T1 and T3)
-

Decision:

- (1) That Part A of the application to fell 1 Birch Tree (T2) be refused for the reason as set out in the report submitted.

(2) That Part B of the application to fell 2 Birch Trees (T1 and T3) be approved subject to conditions, numbered 1 and 2, as set out in the report submitted.

(ix) Plan No P13/1273 – 4 Stonefield Drive, Pensnett, Brierley Hill – Fell 2 Sycamore Trees

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

(x) Plan No P13/1329 – 41A King Street, Wollaston, Stourbridge – Convert Flat 3 of Existing Building into 2 No Flats

Decision: Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted, together with an additional condition, numbered 4, as follows:-

4. Within 2 months of the date of this permission, details of the type and location of the retractable barriers to be installed within the two car parking spaces opposite the main car parking area shall be submitted to and agreed in writing by the Local Planning Authority. These two parking spaces shall be allocated for the use of the occupiers of flats 3A and 3B as noted on submitted plans 541/11H for the lifetime of the development. The agreed scheme for the retractable barriers shall be installed prior to the occupation of flats 3A and 3B and then remain in place for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

(xi) Plan No P13/1343 – Land Adjacent to the Rear of 84/86 Lyde Green, Halesowen – Outline Residential Development (all Matters Reserved)

Decision: Approved, subject to the following:-

(1) The applicant entering into a Section 106 Agreement for 25% onsite provision of affordable housing and a management and monitoring fee.

(2) The completion of the Agreement no later than 3rd January, 2014, and in the event of this not happening, the application being refused, if appropriate.

(3) Conditions, numbered 1 to 18 (inclusive), as set out in the report submitted, together with additional conditions, numbered 19 to 22, as follows:-

19. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority;
- 1) A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

20. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
22. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

- (xii) Plan No P13/1370 – 14 Brandon Road, Halesowen – Erection of Outbuilding in Rear Garden (Resubmission of Refused Application P13/0560)

Decision: Approved, subject to conditions, numbered 1 to 4 (inclusive), as set out in the report submitted.

- (xiii) Plan No P13/1433 – 43 Gospel End Street, Sedgley, Dudley – Fell 1 Blue Cedar Tree

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

- (xiv) Plan No P13/1448 – 8 Redlake Drive, Pedmore, Stourbridge – Single Storey Front, Side and Rear Extensions (Following Demolition of Existing Utility Room and Carport) with Raising of the Roof and Alterations to the Roof-Space to Create Habitable Rooms at First Floor Level
-

Decision: Approved, subject to receipt of no further objections raising additional material planning considerations by the 12th December, 2013 and to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted.

- (xv) Plan No P13/1562 – Land on Balds Lane, Lye, Stourbridge – Change of use from B2 (General Industry) to Dismantling and Storage of Cars (Sui-Generis) with Access and Parking and 2.4M High Wire Grill Fencing to Balds Lane Elevation. Erection of Storage/Office Unit and Portable WC (Resubmission of Part Refused Application P13/0620)
-

Decision: Approved, subject to conditions, numbered 1 to 16 (inclusive), as set out in the report submitted.

- (xvi) Plan No P13/1567 – The Albion Inn, 382 Albion Street, Wall Heath, Kingswinford – Change of use from Public House (A4) to 1 No Dwelling (C3) with Elevational Changes to Include Door, Window and new Garage Doors
-

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

The meeting ended at 7.45 pm.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Monday 6th January, 2014 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Zada (Chair)
Councillor Casey (Vice-Chair)
Councillors A Ahmed, J Martin, Perks, Roberts, Taylor, Mrs Westwood and
C Wilson

OFFICERS:-

Mr J Butler, Mrs H Martin, Mr D Owen, Mrs S Willetts (all Directorate of the
Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of
Corporate Resources)

56 **APOLOGY FOR ABSENCE**

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

57 **APPOINTMENT OF SUBSTITUTE MEMBER**

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

58 **DECLARATIONS OF INTEREST**

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

Councillor Wilson in Planning Application No P13/1340 (98 Vicarage Road,
Wollaston, Stourbridge) as he was a friend of the applicant and he withdrew
from the meeting during consideration of the item.

Councillor Taylor in Planning Application No P13/1781 (McDonalds,
Bromsgrove Road, Halesowen) as he had submitted a written objection prior
to the meeting.

59 MINUTES

RESOLVED

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

60 PLANS AND APPLICATIONS TO DEVELOP

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

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

Plan No P13/1640 – Ms Viv Leadbetter – an objector

Plan No P13/1781 – Ms Catherine Golightly and Councillor Vickers (Ward Councillor) – objectors and Ms Asia Sirkhot – an applicant

- (i) Plan No P13/1640 – Hayley Group PLC, Site 2 (Hayley), Shelah Road, Halesowen – Installation of 4 No Air Conditioning Units and Associated 2M High Acoustic Fencing (Retrospective)

Members noted the comments made by the objector in that the air conditioning units would not be maintained, the units posed a health risk, the inappropriate location of the units, that the units were unsightly and clearly visible, the continual noise from the units, that there had been no consultation with residents and that the applicant had disregarded the planning application process and had again made a retrospective application.

During deliberations Members raised concerns about the total disregard of the planning process by the applicant, that there was insufficient evidence that an acoustic fence would eliminate noise levels and that the units were unsightly.

Decision: Refused, for the following reasons:-

1. Insufficient information has been submitted to demonstrate that the proposal would not cause unacceptable levels of noise pollution to the occupiers of neighbouring residential properties. As such the proposal is contrary to Saved Policies DD4 and DD5 of the adopted Unitary Development Plan.
2. It is considered that the units due to their location would have a detrimental impact on the visual appearance of the street scene. As such the proposal would be contrary to Policies DD4 and DD5 of the Saved Unitary Development Plan.

- (ii) Plan No P13/1781 – McDonalds, Bromsgrove Road, Halesowen – Variation of Condition 3 of Planning Application P10/1001 to be Revised to “The Premises Shall not be Open to the Public Before 0600 Hours on any Day Nor After 2300 Hours on any Day”

Members noted the comments made by the objector and the Ward Councillor in that the restaurant was surrounded by residential properties, current restrictions on the delivery times was not being adhered to, residents endured noise nuisance, young people congregated on the car park and residents have had to ask customers to be quiet.

Decision: That the application be approved subject to the condition that it shall be for a temporary period of six months from the date of this permission and not for the period stated in the report in the light of the comments made by the objectors at the meeting.

- (iii) Plan No P13/1311 – Unit 3, Conyers Trading Estate, Station Drive, Lye, Stourbridge – Use of Premises as a Waste Transfer Station (OSG)

Decision: Approved, subject to conditions, numbered 1 to 10 (inclusive), as set out in the report submitted.

- (iv) Plan No P13/1340 – 98 Vicarage Road, Wollaston, Stourbridge – Dropped Kerb

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

- (v) Plan No P13/1605 – 105, Birmingham Street, Stourbridge – Part Change of use from Car Wash to Car Sales and Storage of Cars (Retrospective)

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

- (vi) Plan No P13/1654 – Dudley Market, High Street, Dudley – Redevelopment of Dudley Market Place to Replace Existing Stalls with new Market Stalls, Storage Facility, Traders Toilet and Pump Room Building and Provision of Temporary Stalls During the Phased Development

Decision: Approved, subject to no objection or call-in from the Secretary of State as a result of being notified and to conditions, numbered 1 to 12 (inclusive), as set out in the report submitted.

- (vii) Plan No P13/1674 – Dudley Market Place and Castle Street, Dudley Town Centre, Dudley – Variation of Condition 3 of Planning Approval P13/0643 to be Revised to ‘No Closure or Demolition of the Toilet Block and Store Shall Take place Until a Permanent Replacement Public Toilet Facility and a Temporary Store within Dudley Town Centre has been Provided and is Fully Operational’

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

CHANGE IN ORDER OF APPLICATIONS

It was agreed that Planning Application No P13/1752 be considered as the next application and the remaining applications be considered in accordance to their pertaining areas relating to Dudley North and Dudley South.

- (viii) Plan No P13/1752 – 6 and 8 The Vista, Sedgley – Crown Thin 2 Lime Trees by 20% and Crown Lift

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

- (ix) Plan No P13/1680 – Island at Tansey Green Road/Stallings Lane, Dudley – Display of 3 No Non-Illuminated Sponsorship Signs

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

- (x) Plan No P13/1684 – Island at Wolverhampton Road and Holbeache Road, Wall Heath – Display of 3 No Non-Illuminated Sponsorship Signs

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

- (xi) Plan No P13/1685 – Island at Blowers Green Road and Tanfield Road, Dudley – Display of 4 No Non-Illuminated Sponsorship Signs

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

- (xii) Plan No P13/1686 – Island at Mill Street/Mount Pleasant, Brierley Hill – Display of Non-Illuminated Advertisement Signs

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

- (xiii) Plan No P13/1689 – Island at Dudley Road/Waterfront Way, Brierley Hill – Display of Non-Illuminated Advertisement Signs

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

- (xiv) Plan No P13/1690 – Island at Birmingham Road/Tipton Road, Dudley – Display of Non-Illuminated Advertisement Signs

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

- (xv) Plan No P13/1691 – Island at Blackacre Road/Southern Bypass, Dudley – Display of Non-Illuminated Advertisement Signs

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

- (xvi) Plan No P13/1692 – Island at Cinder Bank/Blowers Green Road, Dudley – Display of Non-Illuminated Advertisement Signs

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

- (xvii) Plan No P13/1693 – Island at Stourbridge Road and Dudley Southern Bypass, Dudley – Display of 4 No Non-Illuminated Sponsorship Signs

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

- (xviii) Plan No P13/1694 – Island at Kingswinford Road and Pensnett Road, Dudley – Display of 4 No Non-Illuminated Sponsorship Signs

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

- (xix) Plan No P13/1695 – Island at Himley Road and Milking Bank, Dudley – Display of 3 No Non-Illuminated Sponsorship Signs

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

- (xx) Plan No P13/1697 – Island at Thorns Road/Caledonia, Quarry Bank, Brierley Hill – Display 3 No Non-Illuminated Sponsorship Signs
- Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
- (xxi) Plan No P13/1681 – Island at Queensway/Hagley Road, Halesowen – Display 4 No Non-Illuminated Sponsorship Signs
- Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
- (xxii) Plan No P13/1682 – Island at Stourbridge Road and Furnace Lane, Halesowen – Display of 4 No Non-Illuminated Sponsorship Signs
- Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
- (xxiii) Plan No P13/1683 – Island at Dudley Road and Mucklow Hill, Halesowen – Display of 4 No Non-Illuminated Sponsorship Signs
- Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
- (xxiv) Plan No P13/1687 – Island at Mucklow Hill/Long Lane, Halesowen – Display of Non-Illuminated Advertisement Signs
- Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
- (xxv) Plan No P13/1688 – Manor Way, Halesowen – Display of Non-Illuminated Advertisement Signs
- Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
- (xxvi) Plan No P13/1696 – Island at Heath Lane and Worcester Street, Stourbridge – Display of 3 No Non-Illuminated Sponsorship Signs
- Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
- (xxvii) Plan No P13/1698 – Island at Ham Lane/Wollescote Road, Stourbridge – Display 4 No Non-Illuminated Sponsorship Signs
- Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
- (xxviii) Plan No P13/1699 – Island at Hagley Road/Ham Lane, Stourbridge – Display 4 No Non-Illuminated Sponsorship Signs

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

- (xxix) Plan No P13/1700 – Island at Mucklow Hill/Sylvan Close Green, Halesowen – Display of Non-Illuminated Advertisement Signs

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

- (xxx) Plan No P13/1701 – Island at Manor Lane/Spies Lane, Halesowen – Display of 4 No Non-Illuminated Sponsorship Signs

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

61 ADOPTION OF THE MEMBERS AND OFFICERS CODE OF CONDUCT – PLANNING MATTERS

A report of the Director of the Urban Environment was submitted on the amended Code of Conduct for Members and Officers – Planning Matters. A copy of the amended code was appended to the report submitted.

RESOLVED

That the information contained in the report, and appendix to the report, submitted on the amended Code of Conduct for Members and Officers – Planning Matters, be noted and that any comments be submitted to the Head of Planning, prior to consideration of the amended code by Cabinet, as part of the constitution of the Council, at its meeting to be held on 12th February 2014.

The meeting ended at 7.40 pm.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Monday 27th January, 2014 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Zada (Chair)
Councillor Casey (Vice-Chair)
Councillors A Ahmed, J Martin, Perks, Roberts, Mrs Westwood,
C Wilson and Wright

OFFICERS:-

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

62 DECLARATIONS OF INTEREST

In accordance with the Members' Code of Conduct, non-pecuniary interests were made by Councillor Casey in Planning Application Nos P13/1751 and P13/1758 relating to Dudley College as he had had detailed discussions regarding the applications and he withdrew from the meeting during consideration of the items.

63 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 6th January, 2014, be approved as a correct record and signed.

64 PLANS AND APPLICATIONS TO DEVELOP

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

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

Plan No P13/1751 – Mr Michael Davies (Solicitor) – on behalf of an objector) and Mr David Green – Delta Planning – on behalf of the applicant

Plan No P13/1758 – Ms Linda Power Ashman – an objector) and Mr David Green – Delta Planning – on behalf of the applicant

Plan No P13/1754 – Mrs Wakeman – an objector

Plan No P13/1755 – Mrs P Cartwright – an objector

- (i) Plan No P13/1751 – Dudley College, The Broadway, Dudley – Variation of Condition 4 of Planning Approval P13/0932 to be Revised to 'The Existing Drive Adjacent to Number 12 The Broadway Shall not be Used at any Time for Vehicular Access or Egress from the Car Park or at any Time by Contractors'
-

Members noted the comments made by the speakers and it was considered that, as there was potential for noise and disturbance, information regarding the numbers of pedestrians that would be using the access route on a daily basis would be required.

Decision: Deferred for further detailed information on anticipated numbers of students that would be using the route for access and egress, and in particular, activity at peak times.

- (ii) Plan No P13/1758 – Evolve (Dudley College), Tower Street, Dudley – Formation of New Pedestrian Crossing
-

Members noted the comments made by the speakers and it was considered that the application should be deferred pending the outcome of Application No P13/1751.

Decision: Deferred pending the decision of Application No P13/1758.

- (iii) Plan No P13/1754 – 55 Belmont Road, Lye, Stourbridge – Single and Two Storey Rear Extensions. Conversion of Garage into Habitable Room with Bow Window and Single Storey Front Extension. Replace Existing Roof to Front Elevation with Pitched Roof. Erection of Single Storey Semi Detached Outbuilding to Rear Garden. (Resubmission of Withdrawn Application P13/0954)
-

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

- (iv) Plan No P13/1755 – 56B Belmont Road, Lye, Stourbridge – Single and Two Storey Rear Extension. (Following Demolition of Existing Extension). Conversion of Garage into Habitable Room with Bow Window and Single Storey Front Extension. Replace Existing Flat Roof to Front Elevation with Pitched Roof. Erection of Single Storey Semi Detached Outbuilding in Rear Garden. (Resubmission of Withdrawn Application P13/0955)

Decision: Approved, subject to conditions, numbered 1 to 4 (inclusive), as set out in the report submitted.

- (v) Plan No P13/1585 – 16 Moden Hill, Sedgley, Dudley – Erection of 1 No Dwelling (Resubmission of Refused Application P12/1127)

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

- (vi) Plan No P13/1743 – Green Man Entry, Tower, Street, Dudley – Erection of Bespoke Metal Archway

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

- (vii) Plan No P13/1744– Green Man Entry, Tower, Street, Dudley – Listed Building Consent for the Erection of Bespoke Metal Archway

Decision: Approved, subject to no call-in from the Secretary of State as a result of being notified, and subject to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted.

- (viii) Plan No P13/1802 – Cottage Spring Public House, 73 Bridgnorth Road, Wollaston, Stourbridge – Demolition of Existing Garages and Erection of Single Storey Building to be used as Retail (A1) (Resubmission of Withdrawn Application P13/1285)

Decision: Approved, subject to conditions, numbered 1 to 11 (inclusive), as set out in the report submitted.

The meeting ended at 7.35 pm.

CHAIR

LICENSING SUB-COMMITTEE 1

Tuesday 17th December, 2013 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillors Blood and Cowell

Officers: -

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

32 DECLARATIONS OF INTEREST

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

33 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 5th November, be approved as a correct record and signed.

34 NOTICE OF TEMPORARY EVENT – THE PAINTERS ARMS, 33 AVENUE ROAD, COSELEY

A report of the Director of Corporate Resources was submitted to consider objections to the Notice of Temporary Event served on the Council by Mr D Robins in respect of The Painters Arms, 33 Avenue Road, Coseley.

Mr Robins, Applicant, was in attendance.

Also in attendance and objecting to the application was Ms Nellany (Food and Occupational Safety Manager) and Mr P Didar (Senior Environmental Health Officer), both from the Directorate of the Urban Environment.

Arising from the presentation of the report submitted by the Licensing Clerk, it was noted that following mediation with West Midlands Police, Mr Robins had agreed that the sale of alcohol would cease at 01.00 hrs.

Ms Nellany presented the representations of Environmental Health and in doing so indicated that the ground for review had been based on the undermining of the licensing objective for the prevention of public nuisance. She stated that since Mr Robins had become the Premises Licence Holder in July, 2013, he had been unable to manage noise associated with regulated entertainment.

Ms Nellany indicated that a total number of fifteen complaints had been received since July, 2013, predominately relating to loud music from regulated entertainment, customers leaving the premises and noise from the living quarters, which she believed would increase should the application be permitted.

It was noted that the premises was in very close proximity to residential properties in Avenue Road and Penwood Gardens and that the complaints had been made by one resident.

Further to comments made by Ms Nellany in respect of the noise nuisance from the residential area at the premises; Mr Robins stated that the only entertainment system in the home was a television, which could not be heard from the properties in the proximity.

Mr Robins then presented his case and in doing so referred to a visit undertaken by officers from Environmental Health when a noise level of twenty-five was agreed. He stated that he would constantly walk around the premises to identify whether the noise levels were acceptable and adhered to the recommendations suggested by Environmental Health.

In responding to a question by the Chair, Mr Robins confirmed that should the application be granted, then the sale of alcohol would cease at 01.00hrs, and customers would then be given thirty minutes to leave the premises.

In responding to a number of questions by Ms Nellany, Mr Robins informed the Sub-Committee that he was present at the premises at all times, and was responsible for monitoring and playing music. He confirmed that although a noise limiter was not installed at the premises, there were two controls on his equipment that prevented the levels going beyond the agreed level set by Environmental Health.

Mr Robins further stated that he would ask customers and have signs displayed to be mindful of neighbours when leaving the premises, although he did accept that noise nuisance could occur when customers were outside the premises smoking.

Ms Nellany then referred to complaints received in relation to noise nuisance from the premises' car park; Mr Robins stated that the car park was public and that there were a number of pubs and clubs in the area that caused noise nuisance, therefore it would be impossible to determine whether the noise nuisance was directly from the premises.

In responding to a question by the Legal Advisor, Mr Robins confirmed that the event on New Year's Eve would not be ticketed, as he did not anticipate more than fifty people would attend. He also confirmed that he would be agreeable for a condition to be attached to the notice to hire a door security supervisor for the event.

In responding to a question by a member, Ms Nellany confirmed that Environmental Health had not visited the premises to investigate the noise levels at night.

Ms Nellany further indicated that the complainant had been referred to the Council's Anti-Social Behaviour Unit, however limited resources were available due to staff shortages.

In summing up, Ms Nellany, on behalf of Environmental Health, stated that it was unusual for the division to object to a temporary event for New Year's Eve, however there were concerns due to the amount of complaints received in the short amount of time that Mr Robins had been Licensee.

In summing up, Mr Robins reiterated his comments made earlier, in particular that he was able to control the levels of noise and that he had followed guidance received by Environmental Health.

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, arising from consideration of the objections raised to the Notice of Temporary Event served by Mr D Robins, the event, to be held on 31st December, 2013 until 1st January, 2014 be permitted, in the following terms and conditions :-

Sale of Alcohol	00.01 until 01.00
Music	23.01 until 01.00

- (1) That the Licensee employ SIA approved door security.
- (2) There is no admission to the general public after midnight.

The meeting ended at 10.50 am

CHAIR

LICENSING SUB-COMMITTEE 1

Tuesday 7th January, 2014 at 10.10 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillors Cowell and Sykes

Officers: -

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

35 APOLOGY FOR ABSENCE

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

36 APPOINTMENT OF SUBSTITUTE MEMBER

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

37 DECLARATIONS OF INTEREST

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

38 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 17th December, 2013, be approved as a correct record and signed.

39 APPLICATION FOR REVIEW OF PREMISES LICENCE –
DUDLEY MINI MART, 106 STOURBRIDGE 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 Dudley Mini Mart, 106 Stourbridge Road, Dudley.

Ms N Ramzan, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together with Mr Khalid, Manager.

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 Ms K Turley, Planning and Licensing Officer, 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 seizure of illicit alcohol from the premises on 3rd October, 2013 in direct contravention of the licensing objectives.

Mr King further stated that on 3rd October, 2013, Trading Standards together with West Midlands Police attended the premises to investigate a report that illicit alcohol was being sold and stored on the premises. Prior to the inspection, officers introduced themselves to Mr Khalid, brother-in-law to Ms Ramzan, who was present at the time, and informed him of the purpose of the visit.

It was noted that officers found three 1ltr bottles of High Commissioner whisky and three 70cl bottles of Dannoff vodka in a cupboard in the kitchen area to the rear of the premises. An examination of the whisky revealed that they had labels affixed to the rear of the bottle displaying counterfeit duty stamps.

During the inspection, a locked storeroom was discovered with access from the rear yard, and when officers requested Mr Khalid to open the door to allow the inspection to continue he stated that the storeroom belonged to the landlord of the premises and that he did not have access to it or knew what was in it.

Mr King stated that Mr Khalid was requested to hand over any keys he had to the premises and as a result handed over several bunches and loose keys. It was noted that one of the keys amongst those given unlocked the door into the rear storeroom, which was lit by electricity from the kitchen area of the shop premises.

On entering the room, officers found 35 cases of High Commissioner whisky (420 bottles), 19 cases of Dannoff vodka (118 bottles), 145 cases of mixed wine (870 bottles) and 3 cases of beer (72 bottles). An examination of the whisky revealed that the bottles had the same counterfeit duty stamp as those found in the cupboard in the kitchen.

A further inspection of an open fronted garage type premises in the rear yard of the premises uncovered 3 full cases and one part filled case of Artic Ice vodka, however the cases were dusty and appeared to have been in situ for some time. Mr King reported that the spirits were believed to be counterfeit vodka and potentially very dangerous to consume.

Mr King reported that due to the large amount of alcohol discovered, HMRC were contacted and attended the premises to over take the enquiry. Upon questioning by a HMRC officer, Mr Khalid admitted that the bottles recovered from the kitchen cupboard had been given to him by the landlord to sell in the shop. HMRC then seized all the alcohol from the rear storeroom as Mr Khalid was unable to produce any receipts for the purchase of the alcohol, and they believed it had been smuggled into the country to avoid the duty payable on it. The duty evasion from the seizure was in excess of £10,000.

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.

Ms K Turley then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that there had not been any recent reported issues at the premises and that the owner had installed a CCTV system and allowed officers to access footage which assisted in reducing the anti-social behaviour in the vicinity.

In responding to a question by a member in relation to the condition of the counterfeit alcohol discovered in the storeroom, Mr King referred to a number of photographs that had been submitted to the Sub-Committee prior to the meeting, that identified that the cases were clean.

In responding to a question by the Chair, Mr Wintrip confirmed that HMRC had now overtaken the case, and that it was unlikely that a fine or prosecution would be issued to the landlord in view of the premises licence being reviewed.

Following the representations presented by Trading Standards, Ms Ramzan confirmed that she rented the premises, and that she had identified a number of lights and switches that were unexplained. She further commented that she was unaware of the storeroom, and that the landlord, Mr Singh, would visit the premises and drive his van into the back yard.

Ms Ramzan stated that the alcohol sold at the premises was purchased from a reputable cash and carry.

In responding to a question by a member, Ms Ramzan confirmed that Mr Singh would regularly store alcohol at the premises and that she did not have any authority over him.

In responding to a question by the Chair, Mr Wintrip confirmed that there were no bottles with counterfeit duty labels displayed on the shelves at the premises. Mr Khalid further commented that the six bottles discovered in the kitchen had been given to him by Mr Singh, for sale in the shop, but that he had no intention of selling them.

In responding to a question by Mr King, Ms Ramzan confirmed that she worked at the premises on an evening for 3 hours, employed on a full-time basis and a single mother. It was noted that Mr Khalid worked at the premises between 11.00 am and 10.00 pm.

Mr King referred to a break-in at the premises, which had been reported to West Midlands Police by Mr Khalid. Mr Khalid stated that he had not reported the break-in, but a gentleman who lived in the residential area at the premises gave the police his name as a contact.

Reference was made to the request to hand over any keys Mr Khalid had to the premises for access to the storeroom during the test purchase exercise on 2nd October, 2013, in particular, that Mr King saw the keys beneath the counter, and was only then handed them. Mr Khalid stated that he had volunteered the keys, and stated that Mr Singh would come in and out of the property at will and left large numbers of keys in the premises, and that Ms Ramzan was afraid of him.

Ms Ramzan further reported that it was her ex-partner's decision to rent the premises and that she was in the process of selling the business.

It was further noted that Ms Ramzan had not spoken to Mr Singh following the seizure despite attempting to contact him.

Reference was made to the electricity supply at the premises, in particular that there were a number of unidentified wires and switches; Ms Ramzan reported that an electrician had attended the premises and disconnected a number of wires and that it would cost an additional £150 to investigate further. It was noted that electricity was still being supplied to the storeroom and paid for by Ms Ramzan.

In responding to a question by Mr Wintrip, both Mr Khalid and Ms Ramzan confirmed that they were unaware that alcohol was being stored in the premises, and that they did not question Mr Singh in respect of the number of keys left at the premises as they would not 'snoop' in areas that they were not responsible for.

In responding to a question by the Chair in relation to the layout of the premises; it was noted that the storeroom was accessed from the rear yard, and that there was a sealed door in the kitchen that would have previously been used to enter the storeroom.

In responding to a question by the Legal Advisor; Ms Ramzan confirmed that in accordance with the lease agreement, she was responsible for the shop premises; kitchen and bathroom only. She stated that the lease did not cover the storeroom and she did not access the rear yard.

It was noted that Ms Ramzan did not have an area to store the alcohol that would be sold at the premises, as she would only purchase enough alcohol to stock shelves.

In responding to a question by the Legal Advisor, Ms Ramzan confirmed that there were eight years remaining on the lease of the premises.

Reference was made to the jurisdiction of HMRC in relation to prosecution of the premises licence holder or landlord, and that it was not apparent whether an investigation was being undertaken.

In responding to a question by the Chair, Ms Ramzan confirmed that she retained receipts for a period of three months prior to submitting them for VAT.

In summing up, Mr King, on behalf of Trading Standards, stated that the review was based on intelligence received and following an investigation at the premises, a large number of counterfeit alcohol had been discovered.

In summing up, Ms Ramzan and Mr Khalid stated that they had nothing further to add.

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

At this juncture, the Sub-Committee requested an adjournment to enable Ms Ramzan to submit a copy of the lease agreement between Mr Singh and Ms Ramzan.

Having received the lease agreement, the Sub-Committee having made their decision invited the parties to return and the Chair then outlined the decision.

RESOLVED

That, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of Dudley Mini Mart, 106 Stourbridge Road, Dudley: -

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.

REASONS FOR DECISION

This is an application for a review of a premises licence, based upon Trading Standards discovering a significant volume of alcohol, which appeared to have been smuggled into the country on the premises or in a storeroom adjacent to the shop concerned.

Six bottles of whisky and vodka with counterfeit duty labels were found in the kitchen of the premises. The Manager, Mr Khalid, stated that the Landlord, Mr Singh, had given them to him for sale in the shop, but that he had no intention of selling them.

Over one thousand bottles of whisky, vodka, wine and beer were found in a storeroom that could only be accessed from the yard to the rear of the premises. Ms Ramzan produced her premises lease to the Sub-Committee, at its specific request, and stated that the yard and storeroom were not part of her lease. The lease has no plan and refers to the property known as 106A Stourbridge Road. It therefore is not absolutely clear. Both Ms Ramzan and Mr Khalid stated that they knew nothing of the alcohol in the storeroom, and never went into the yard behind the premises. However, the Police did visit the shop to enquire about the theft of alcohol from the premises and interviewed Mr Khalid. He must therefore have had some suspicion, at least, of alcohol being stored in the premises.

The landlord, Mr Singh, had also given him six bottles of spirits to sell in his store. Mr Khalid also knew that he ran an off licence in Kidderminster. The Sub-Committee therefore finds that Mr Khalid and Ms Ramzan must have known that there was alcohol being stored in that store room. The fact that Mr Khalid stated that he had no intention of selling the six bottles of spirits in the shop, indicated that he was not happy with them for some reason.

Finally twenty-two bottles of vodka were found in a separate garage. These are believed to be counterfeit vodka, potentially very dangerous to consume. However, they were described as dusty and undisturbed and there is no evidence that these were related to the shop or had been sold through it.

Trading Standards evidence was that no bottles of alcohol with counterfeit duty labels had been found on the shelves in the shop. The six bottles were only to be found in the kitchen. However, bottles which had simply been smuggled into the country, without counterfeit duty labels, could not be identified on shelves of a shop.

Mr Khalid stated that he had volunteered the keys to the storeroom to Trading Standards officers on 3rd October, 2013, and opened the door of the storeroom. Mr King stated that it was he who repeatedly asked for access to the storeroom, saw the keys beneath the counter, and was only then handed them. It was also trading standards who tried numerous keys in the lock before gaining entry. The room was lit by electricity from the kitchen area of the shop premises, and the electricity was being paid for by the tenant of the shop.

The Sub-Committee is extremely concerned that Ms Ramzan and Mr Khalid had six bottles of spirits with counterfeit labels in their kitchen, but had taken no steps to bring these to the attention of trading standards, despite Mr Khalid's concerns about them. It is also extremely concerned that both of them must have known that alcohol was being stored by the landlord somewhere about the premises, and specifically in the store room (she gave evidence that he would drive his van into the back yard to fill it up) but again, took no action. Ms Ramzan stated that she was afraid of Mr Singh, but she gave no evidence of specific threats. She stated that Mr Singh came in and out of the property at will (in clear contravention of the lease) and left large numbers of keys in the shop. This leads the Sub-Committee to be very concerned about the appropriate management of the licensed premises, and it does have a concern that the landlord is unduly influencing the Premises Licence Holder, to sell unlawful alcohol through the store.

There is however no evidence before the Sub-Committee to show that any such sales have been made.

The Sub-Committee therefore imposes the two conditions recommended by trading standards to ensure that any alcohol purchased from a recognised source is sold, in order to protect the public.

40 APPLICATION FOR REVIEW OF PREMISES LICENCE –
LIFESTYLE EXPRESS / SELECT AND SAVE (FORMERLY
KNOWN AS KINGSWAY STORES), 7 BILSTON STREET,
SEDGLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Lifestyle Express / Select and Save, 7 Bilston Street, Sedgley.

Mr A Kumar, Premises Licence Holder, was in attendance at the meeting together with Mr N Rajesh (Legal Representative).

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

Following introductions by the chair, the Licensing Clerk then 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 of the review had been based on the serious undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm due to the poor management of the premises following the sale of alcohol to a person under the age of eighteen.

Mr King informed the Sub-Committee that on 16th October, 2013, a fifteen year old female child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives.

It was noted that the Designated Premises Supervisor was a Mr G S Uppal.

On 6th September, 2013 Mr Kumar took over the premises licence from the previous licence holder, Mrs Ralhan, and it was believed that the business was sold to Mr Kumar following the review of the premises licence on 20th August, 2013 following the sale of alcohol to an underage test purchase volunteer on 24th April, 2013. The Sub-Committee resolved to attach a number of conditions to the premises licence.

Mr King further stated that on 16th October, 2013, Trading Standards together with West Midlands Police, carried out a test purchase exercise which was part of an ongoing series of test purchase exercises to test compliance once a premises had been advised. On that occasion, a fifteen year old female child test purchase volunteer purchased a bottle of Henry Watsons Vintage cider with 8.2% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been Mr A Kumar, which was witnessed by an officer.

Mr Kumar was then cautioned and although he initially denied the offence, Mr Kumar admitted the sale when it was viewed on the CCTV system.

On inspection of the premises, it was noted that there was a "Challenge 25" policy in place, other Age Restricted Product literature displayed, and a refusals register that included recent entries. Mr Kumar was then issued with a Fixed Penalty Notice.

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.

Ms McNulty then presented the representations of Public Health, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the number of well-documented impacts on the health of adolescents as a consequence of alcohol consumption.

It was noted that in the opinion of Ms McNulty, the sale of alcohol to underage young people was considered to be very serious and supported the recommendations made by Trading Standards.

Mr Rajesh then presented the case on behalf of Mr Kumar, and in doing so informed the Sub-Committee that Mr Kumar had accepted full responsibility and that he was very sorry. He stated that Mr Kumar took responsibility of the business on 1st October, 2013 and that it was his first off licence business resulting in him being under great pressure at that time.

He further stated that all other aspects of the business were satisfactory to trading standards, and that signage was displayed at the premises and the refusals register regularly updated.

Mr Rajesh stated that on 16th October, 2013, Mr Kumar was managing the premises on his own, as his wife was looking after their seventeen month old baby, which resulted in him being tired and missing meals. He explained that prior to the test purchase exercise he was re-stocking the shelves and quickly sold the alcohol without taking much notice. When questioned by officers following the sale, Mr Kumar was confused as to whom he had sold the alcohol too, however this was not an excuse and he had taken the matter seriously.

In responding to a question by Mr Wintrip in relation to training, Mr Rajesh confirmed that Mr Kumar had undertaken a training programme on a yearly basis at the premises for a number of years and that Mr Rajesh would continue to provide training to Mr Kumar. It was further noted that following the sale, Mr Kumar had received training for licensed premises, passed his personal licence exams and that his application for a personal licence was being processed.

In responding to a question by Mr King, Mr Rajesh confirmed that the Designated Premises Supervisor worked at the premises four days a week and held a Personal Licence, and Mr Kumar was at the premises seven days a week as he lived in the upstairs residential area.

Following a request by the Chair, Mr Kumar outlined a typical working day at the premises, and he understood the mistake made, and that he had invested a large amount of money into the business.

It was noted that Mr Kumar had paid the fixed penalty notice that was issued to him on 16th October, 2013.

At this juncture, Mr Rajesh submitted a copy of the refusals register to the Sub-Committee.

In summing up, Mr King, on behalf of Trading Standards, stated that he was happy that the matter had been dealt with during the hearing and he accepted that Mr Kumar had accepted that the sale of alcohol had occurred.

In summing up, Mr Rajesh, on behalf of Mr Kumar, stated that this was Mr Kumar's first business which caused him to be under great pressure, and that the premises had improved since the sale and requested that the Sub-Committee give Mr Kumar a chance.

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

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

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, no further action to be taken in relation to the review of the premises licence in respect of Lifestyle Express / Select and Save, 7 Bilston Street, Sedgley.

REASONS FOR DECISION

The Sub-Committee has hard evidence of a sale on 16th October, 2013 to a fifteen year old test purchaser. Mr Anil Kumar accepts full responsibility for the sale and understands the potential consequences of such a sale to young persons.

His evidence is that he commenced the business on 1st October, 2013, that it was his first off licence business, and that he was under great pressure at that time. He had a seventeen month old baby and was tired. He gave this information as background to the sale but not as an excuse. He stated that all other aspects of the business were satisfactory to trading standards, and that he is very sorry.

Since the sale, he has undergone training for licensed premises, has passed his personal licence exams and that his application for a personal licence is being processed. His wife is undergoing the appropriate exams. He has paid the £90 fixed penalty notice.

Mr Kumar also produced his hand written refusals register for the Sub-Committee, which appears to have been well used, despite the under age sale on 16th October, 2013.

There are no additional conditions which the Sub-Committee can add to the premises as full conditions were attached on 20th August, 2013.

Mr Kumar now has paid a fixed penalty notice and stated that his business is now much improved, and that he is committed to running the business well and successfully. He has invested £60,000 into it.

The Sub-committee therefore takes no further steps today. However it does want to highlight the importance, specifically conditions 6, 7 and 8, which relate to training and quality monitoring. The Sub-Committee does not expect to be hearing a further review of this premises licence in the light of the assurances given by Mr Kumar today.

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APPLICATION FOR REVIEW OF PREMISES LICENCE –
BROCKMOOR CONVENIENCE STORE / PREMIER, 49 HIGH
STREET, BROCKMOOR, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Brockmoor Convenience Store / Premier, 49 High Street, Brockmoor, Brierley Hill.

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

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

Following introductions by the Chair, the Licensing Clerk then 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 of the review had been based on the serious undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm due to the poor management of the premises following the sale of alcohol to a person under the age of eighteen.

Mr King informed the Sub-Committee that on 2nd October, 2013, a fifteen year old female child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives.

On 28th February, 2013, an advisory visit was carried out at the premises, the purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, and Mr Chand, who was present at the time, was given detailed advice including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Chand was also provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card. He was also requested to ensure that it was brought to the attention of all staff to ensure that they were aware of their obligations under the Licensing Act 2003, Mr Chand also signed an ARP form 0806 to acknowledge receipt of the information pack during the visit.

Mr King further stated that on 2nd October, 2013, Trading Standards together with West Midlands Police, carried out a test purchase exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a fifteen year old female child test purchase volunteer purchased a bottle of VK Tropical with 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been a Ms J Kiszka. When questioned, Ms Kiszka admitted making the sale.

On inspection of the premises, it was noted that there were no Age Restricted Products displayed, and when Mr Chand returned to the premises shortly after the sale had been made, he reported that refusals were recorded electronically on the till register. Ms Kiszka was then issued with a Fixed Penalty Notice.

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.

Ms McNulty then presented the representations of Public Health, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the number of well-documented impacts on the health of adolescents as a consequence of alcohol consumption.

It was noted that in the opinion of Ms McNulty, the sale of alcohol to underage young people was considered to be very serious and supported the recommendations made by Trading Standards.

Mr Chand then presented his case and in doing so informed the Sub-Committee that he accepted the evidence presented by Trading Standards, and the potential health consequences of underage alcohol sales. He stated that he had been in a management position over the last five years, over twenty premises, and he had taken the matter very seriously.

He further stated that Ms Kiszka was employed on a eight day trial for a management position, however following the sale of alcohol to a child on 2nd October, 2013 he was not satisfied with Ms Kiszka's attitude or explanation for the sale. It was noted that Ms Kiszka's contract was terminated.

Reference was made to there being no age restricted product posters displayed at the time of the sale; Mr Chand stated that the shop had recently undergone refurbishment due to water damage, and as a result, the underage sales posters were not displayed. This has now been resolved.

Mr Chand referred to the refusals register and explained that although refusals were entered electronically on the till register, they could not be printed out. He stated that the registers had been recently upgraded to allow a print out of sales with reasons for refusals.

It was further noted that following the sale on 2nd October, 2013, Mr Chand re-trained his employees, and requested that they question customers that appeared to be in their late twenty's.

In responding to a question by Mr King, Mr Chand confirmed that he worked at the premises on evenings and for the majority of the day, and on the day of the sale he had attended another premises to deal with an issue, and believed Ms Kiszka to be suitable to manage the premises in his absence.

In responding to a question by the Chair; Mr Chand confirmed that he was in agreement with the conditions suggested by Trading Standards, and that he had paid the fixed penalty notice issued by officers.

In summing up, Mr Chand stated that this was the first occasion he had attended a Sub-Committee and that the sale highlighted problems with Ms Kiszka, which resulted in her contract being terminated.

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

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

RESOLVED

That, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of Brockmoor Convenience Store / Premier, 49 High Street, Brockmoor, Brierley Hill: -

Conditions

- (1) A written Proof of Age Policy (Challenge 25) is to be put in force, which all staff authorised to sell alcohol will be trained in and adhere to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.
- (2) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
- (3) A Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall review the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of any responsible authority.

- (4) CCTV to be in place at the premises and to be recording at all times when the premises are open for licensable activity, to the specifications of the West Midlands Police Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request immediately, and all staff are to be trained and able to operate and download CCTV. The hard drive is to be locked but readily accessible to staff.
- (5) The Premises Licence Holder will take proportionate steps to review the premises CCTV on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (6) All persons engaged to sell alcohol must complete a training programme, which includes a written test, to verify the competency of that person prior to them being authorised to sell alcohol.
- (7) The premises licence holder shall ensure that monthly reviews are conducted with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy. The monthly reviews will be recorded in writing.
- (8) A file shall be maintained at the premises for each person authorised to sell alcohol (with proof of identity which will be a copy of passport and/or driving licence). This file shall contain all training records for each person along with copies of monthly reviews as stated in point 7. This file shall be made available for inspection by any officer from a responsible authority upon request.
- (9) Any person who is suspected of purchasing alcohol for any person under the age of 18, shall be refused service.

REASONS FOR DECISION

This is a review of a premises licence as a result of a sale of alcohol to a fifteen year old test purchaser, by a Ms J Kiszka, an employee at Brockmoor Convenience Store / Premier. Ms Kiszka admitted the sale and accepted a fixed penalty notice. The test purchase took place on 2nd October, 2013.

Mr J Chand attended the Sub-Committee. He is the Premises Licence Holder and Designated Premises Supervisor. He accepted that at the time of the sale, there were no age restricted product posters on display, despite advice being provided to Mr Chand by Trading Standards on 28th February, 2013.

Mr Chand accepts the evidence presented by Trading Standards, and accepts the potential health consequences of underage alcohol sales.

Ms Kiszka, at the time of the test purchase, was on an eight day trial. Mr Chand was not satisfied regarding her explanation for the sale, and her employment has been terminated.

The shop has recently undergone refurbishment due to water damage, and as a result, the underage sales poster was no longer up. This has now been rectified.

At the time of the sale, the refusals of sale were registered on the tills, but could not be printed out. The tills have been upgraded to allow a print out of sales with reasons for refusals. He told the Sub-Committee that he was very sorry for the failed purchase.

Mr Chand accepts the conditions put forward by Trading Standards. The Sub-Committee finds that the imposition of these conditions does address this under age sale, and are a proportionate step to address the issues arising in this case. It therefore imposes the conditions on the premises licence, and takes no further steps today.

The meeting ended at 2.20 pm

CHAIR

LICENSING SUB-COMMITTEE 2

Tuesday 14th January, 2014 at 10.25 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Russell (Chair)
Councillors Cowell and Taylor

Officers: -

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

9 DECLARATIONS OF INTEREST

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

10 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 17th September, 2013, be approved as a correct record and signed.

11 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 6, 5 and 7.

12 APPLICATION FOR VARIATION OF LICENCE – BANDIT QUEEN GENTLEMEN'S CLUB, 93 KING STREET, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the conditions of licence in respect of the sexual entertainment venue licence issued to Mr D S Dhillon.

Mr D S Dhillon, Applicant, was in attendance at the meeting together with his Solicitor, Mr T Bytheway.

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

Mr Bytheway then presented the case on behalf of the applicant, and in doing so indicated that the business had been established for eight years with no complaints, and that the applicant had a good relationship with West Midlands Police.

He further stated that when Mr Dhillon had applied for his licence, a number of conditions were attached to the licence in accordance with legislation that prevented all sexual entertainment venue licence holders from advertising their premises.

Mr Bytheway stated that a number of sexual entertainment establishments in other local authorities had been granted an alteration in their conditions that allowed them to advertise their premises, some of which were advertised in Dudley.

It was further noted that when Mr Dhillon renewed his licence in 2013, the legislation had been amended resulting in a number of restrictions being removed from the conditions that permitted advertising of the premises compliant with the Advertising Standards Authority. However, Mr Dhillon did not pursue this as he wanted to inform the local authority of his intentions and gain approval from the Sub-Committee.

Mr Bytheway further stated that the main reason the matter was brought before the Sub-Committee was to seek clarification in respect of two conditions, namely;

(1) Condition 3 (2) (d) – The licence holder shall not permit the display outside of the premises photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.

(2) Conditions 22 – The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.

Reference was made to the draft advertisement submitted by Mr Dhillon, as outlined in appendix 3 of the report submitted, and Mr Bytheway stated that a number of other sexual entertainment establishments and some retailer's advertisements were more inappropriate.

In responding to a question by a member; Mr Bytheway stated that the lack of advertising had a notable impact on the business, as the premises was the only sexual entertainment venue in Dudley, and therefore potential customers would not be aware of its existence. He also stated that in view of the premises having been opened since 2006, it was an asset to the town centre.

In responding to a question by a member in relation to should the Sub-Committee be minded to grant the application, whether the applicant would be agreeable to certain restrictions such as advertising in areas by schools. Mr Bytheway stated that Mr Dhillon would not want to advertise his premises in areas that could cause offence, however the intended advert would not highlight the entertainment inside the premises and was not inappropriate unlike some retailers.

In responding to a question by the Chair; Mr Bytheway stated that the advert had been produced professionally, and although it was Mr Dhillon's intention to use the advert, like most businesses, Mr Dhillon would change the advert in the future to encourage more customers. He further stated that Mr Dhillon would not advertise images of girls wearing provocative clothing, as this would attract the wrong customers to the premises.

Following further discussion in respect of the clarification sought in relation to the conditions of licence, the parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

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

RESOLVED

That the application received for the alteration of the conditions of licence in respect of the sexual entertainment venue licence issued to Mr D S Dhillon, be granted.

REASONS FOR DECISION

This is an application by Mr Daljinder Singh Dhillon for the alteration of the conditions on the sexual entertainment venue licence, granted 7th June, 2011, to permit advertisement of the licensed premises. The conditions have been previously amended and the current conditions are dated 10th October, 2013.

The Sub-Committee accepts that Mr Dhillon is permitted to advertise his premises provided he complies with the licence conditions and the Code of Practice of the Advertising Standards Authority. In order to clarify the effect of the current conditions, the Sub-Committee modifies them as follows:

1. Condition 3 (2) (d) shall be modified to insert, after, “or other images” the wording (excluding advertising which complies with the relevant code of practice as issued by the Advertising Standards Authority).
2. Condition 22 shall be modified so that the current condition shall be referred to as 22 (a) and there shall be inserted a new 22 (b) to read, “Vehicles may however be used for the sole purpose of displaying advertisements about the premises”.

13 APPLICATION FOR REVIEW OF PREMISES LICENCE – HIGH STREET EXTRAS (PREMIER), 79 HIGH STREET, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of High Street Extras (Premier), 79 High Street, Dudley.

Mrs U Kalaichelvan, Premises Licence Holder, was in attendance at the meeting together with her representative, Mr S Panchal, Mr V Kalaichelvan, Designated Premises Supervisor, Mr P Selvaraj, Manager, and a supporter.

Also in attendance were Mr C King, Principal Trading Standards Officer, Directorate of the Urban Environment; Ms D McNulty, Office of Public Health; and Ms K Turley and WPC 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 of the review had been based on the serious undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm due to the poor management of the premises following the sale of alcohol to a person under the age of eighteen.

Mr King informed the Sub-Committee that on 27th September, 2013, a fifteen year old male child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives.

It was noted that on 3rd June, 2011 a tobacco test purchase was conducted at the premises resulting in a sale being made to the underage test purchase volunteer.

It was further noted that on 16th July, 2011 and 26th August, 2011, an alcohol test purchase was conducted at the premises, with no sale being made.

On 27th May, 2011, an officer from Trading Standards carried out an advisory visit to the premises and again on 19th July, 2012. On 24th July, 2012, the officer spoke to Mr Kalaichelvan. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, and Mr Kalaichelvan was given detailed advice including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Kalaichelvan was also provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card. He was also requested to ensure that it was brought to the attention of all staff to ensure that they were aware of their obligations under the Licensing Act 2003, Mr Kalaichelvan also signed an ARP form 0635 to acknowledge receipt of the information pack during the visit.

On 19th April, 2013, a tobacco test purchase was conducted at the premises, with no sale being made.

It was noted that a further advisory visit to the premises was carried out by an officer from Trading Standards on 18th September, 2013, to provide advice to help prevent the underage sale of age restricted products.

Mr King further stated that on 27th September, 2013, Trading Standards together with West Midlands Police, carried out a test purchase exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a fifteen year old male child test purchase volunteer purchased a 330ml bottle of Guinness Foreign extra beer with 7.5% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

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

When cautioned Mr Selvaraj denied making the sale, and continued to do so, despite having been informed that the sale had been witnessed by an officer.

On inspection of the premises, it was noted that there were several Age Restricted Products posters displayed and a "Challenge 21" policy in place, however the refusals register could not be located. Mr Selvaraj was then issued with a Fixed Penalty Notice.

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.

Ms McNulty then presented the representations of Public Health, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the number of well-documented impacts on the health of adolescents as a consequence of alcohol consumption.

It was noted that in the opinion of Ms McNulty, the sale of alcohol to underage young people was considered to be very serious and supported the recommendations made by Trading Standards.

Ms Turley then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that although there were no logs to the premises, local officers had visited on enquiries and the staff were extremely unhelpful in regard to accessing the CCTV, and there was no one available to operate it or download footage.

She further stated that due to the premises being located on the high street, it was known that a number of the local drinkers were seen purchasing alcohol from the shop, and therefore it was considered that the premises contributed to the anti-social behaviour suffered in the town and market areas.

Regarding the representations of Trading Standards; Mr Panchal asked Mr King whether the premises had made any further sales to underaged persons since 27th September, 2013, and suggested that the premises had been compliant as there had been three test purchase exercises that resulted in no sale being made. In responding, Mr King stated that he was not aware of any additional sales, and that the facts had been presented to the Sub-Committee. Mr King further stated that he did not agree that the premises had been compliant as there had been two failed test purchases since June, 2011.

Mr Panchal then presented the case on behalf of Mrs Kalaichelvan, and in doing so stated that the premises had operated for a long time, and that during the sale of alcohol to the underage test purchaser on 27th September, 2013, Mr Selvaraj was on the telephone and therefore did not request identification.

He further reported that following the sale, a refusals register had been implemented, the premises now operated a "Challenge 25" policy, a number of posters displayed, a training manual developed and Mr Selvaraj had received further training.

Reference was made to the conditions suggested by Trading Standards, in particular, that Mrs Kalaichelvan was agreeable to the conditions and Mr Panchal assured the Sub-Committee that staff would be fully trained in regard to CCTV.

It was noted that Mr Selvaraj had contacted West Midlands Police on Sunday 12th January, 2014, after a number of children had attempted an underage sale.

At this juncture, Mr Panchal submitted a number of conditions that the Sub-Committee may wish to attach to the premises licence.

Mr Panchal further reported that the current Designated Premises Supervisor, Mr Kalaichelvan, would be changed in the near future, and the proposed Designated Premises Supervisor was undergoing training and applying for her personal licence.

In concluding, Mr Panchal asked the Sub-Committee to consider the three previous test purchase exercises when no sale had been made, and that it was unfortunate that the sale on 27th September, 2013 had taken place.

In responding to a question by a member in relation to the training manual and that it appeared to have not been written in; Mr Panchal confirmed that the manual had not yet been used as it was intended to be used once the replacement of the Designated Premises Supervisor had taken place.

In responding to a question by the Chair; Mr Panchal stated that Mr Selvaraj had been reprimanded following the sale and that he did not suggest that by being on the telephone was an acceptable explanation for the sale to have occurred. He further stated that the police were visiting the premises later today to view the CCTV.

In responding to a question by a member, it was noted that there were six members of staff in total at the premises, however the staff would not work together at the same time resulting in only two members of staff in the premises.

In responding to a question by Mr King; Mr Panchal stated that Mr Selvaraj had initially denied the sale, as he could not remember, however he had since accepted the sale and apologised. It was noted that Mr Selvaraj had paid the fixed penalty notice that had been issued to him on 27th September, 2013.

In responding to a question by Mr King; Mrs Kalaichelvan confirmed that on 27th September, 2013 she was at home, and that she would visit the premises once a week as her husband managed the premises. She stated that following the sale, she had spoken to Mr Selvaraj and told him “not to do it again” and discussed the need for identification, and would now visit the premises twice a week.

At this juncture, Mr King requested Mrs Kalaichelvan to provide full names of the staff members at the premises, however Mrs Kalaichelvan was unable to do so. Mr King stated that as the Premises Licence Holder, Mrs Kalaichelvan had responsibility and should have undertaken the appropriate steps to put additional systems in place following the sale of alcohol to a child.

It was further noted that Mrs Kalaichelvan wished to replace the Designated Premises Supervisor in view of her relocating from Dudley.

Following the submission of two refusals registers; Mr King noted that the last entry registered was 1st December, 2013, and asked whether there had been any attempts from underaged persons during December, 2013. In responding, Mr Selvaraj stated that the only incident when a child attempted an underage sale was on 12th January, 2014. PC Baldwin confirmed that there was an incident on 12th January, 2014, however this had not been entered in the refusals register, and that when officers requested to view the CCTV, staff were unable to download the footage as the Premises Licence Holder was in London.

It was noted that the CCTV had been upgraded and staff members had not been trained, and a new system would be implemented in the till registers that prompted staff for identification once an age restricted product had been scanned.

In summing up, Mr King, on behalf of Trading Standards, stated that the review had been brought to the Sub-Committee due to the concerns that the premises had not met the licensing objectives, and that he remained deeply concerned and not assured in the management of the premises.

In summing up, Mr Panchal, on behalf of Mrs Kalaichelvan, stated that efforts were being made at the premises and there that had been attempted purchases by children that had been refused.

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 Councillor Cowell 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 High Street Extras (Premier), 79 High Street, Dudley be suspended for a period of two months.

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

Conditions

- (1) A written Proof of Age Policy (Challenge 25) is to be put in force, which all staff authorised to sell alcohol will be trained in and adhere to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.
- (2) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
- (3) A Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall review the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of any responsible authority.
- (4) CCTV to be in place at the premises and to be recording at all times when the premises are open for licensable activity, to the specifications of the West Midlands Police Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request immediately, and all staff are to be trained and able to operate and download CCTV. The hard drive is to be locked but readily accessible to staff.

- (5) The Premises Licence Holder will take proportionate steps to review the premises CCTV on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (6) All persons engaged to sell alcohol must complete a training programme, which includes a written test, to verify the competency of that person prior to them being authorised to sell alcohol.
- (7) The premises licence holder shall ensure that monthly reviews are conducted with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy. The monthly reviews will be recorded in writing.
- (8) A file shall be maintained at the premises for each person authorised to sell alcohol (with proof of identity which will be a copy of passport and/or driving licence). This file shall contain all training records for each person along with copies of monthly reviews as stated in point 7. This file shall be made available for inspection by any officer from a responsible authority upon request.
- (9) Any person who is suspected of purchasing alcohol for any person under the age of 18, shall be refused service.

Mrs Kalaichelvan was informed of her right to appeal the decision of the Sub-Committee.

REASONS FOR DECISION

This is a premises review, brought by Trading Standards, in relation to High Street Extras, and as a result of a failed test purchase on 27th September, 2013. A 330ml bottle of Guinness was sold to a 15 year old test purchaser by the manager of the premises, Perajhath Selvaraj. He was issued with a fixed penalty notice. He attended the Sub-Committee and evidence was given that at the time of the sale, he was on the telephone and for this, an apology was received and an acknowledgement that this was not appropriate behaviour.

The Premises Licence Holder, Mrs Usha Kalaichelvan attended the Sub-Committee along with the Designated Premises Supervisor, Mr V Kalaichelvan. The review was adjourned on 10th December, 2013 to enable Mrs Usha Kalaichelvan to attend the Sub-Committee.

The premises had received test purchases on 16th July, 2011 and 26th August, 2011 and sales had been refused. A tobacco test purchase had been made on 9th April, 2013 and a purchase refused.

As at the date of the test purchase, a challenge 21 (not 25) policy was in place in the premises but officers could not locate a till refusals register. The Sub-Committee today was shown a refusals register from September, 2013 which contained a number of handwritten entries, including notes of refusals of sales. However there are no entries since 1st December, 2013. There was also a refusals register pre dating the sale which, for some reason could not be found on 27th September, 2013. This was despite the fact that the Sub-Committee heard evidence that the store manager had called the police on Sunday 12th January, 2014, after a number of children had attempted an underage sale. This has not been recorded on the register.

The evidence given by Mrs Kalaichelvan gave the Sub-Committee great cause for concern, in the light of her responsibility as premises licence holder. She altered her evidence about the number of times she visited the premises from once to twice a week and was not able to give the full names of the four staff employed in the shop. The Sub-Committee was also not convinced from the evidence of Mrs Kalaichelvan that she understood and had delivered appropriate training on the sale of underage products since 27th September, 2013.

The Sub-Committee notes that the Designated Premises Supervisor is to be changed in the near future, and the proposed Designated Premises Supervisor is undergoing training. In the light of the very poor management of these premises, the Sub-Committee takes the step of suspending the premises licence for two months to enable the new Designated Premises Supervisor to be trained and appointed and for her to ensure that all staff selling alcohol have received appropriate training including on the use of CCTV.

The Sub-Committee does however impose the 9 conditions put forward by Trading Standards upon the premises licence. These have been accepted as appropriate by the Premises Licence Holder.

14 APPLICATION FOR HOUSE TO HOUSE COLLECTIONS
LICENCE – ROYAL ORTHOPAEDIC HOSPITAL BONE TUMOUR
SERVICES / BE CHILD CANCER AWARE AND RECYCLING
AND MANAGEMENT SERVICES 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 Recycling and Management Services Ltd on behalf of the charities known as the Royal Orthopaedic Hospital Bone Tumour Services and Be Child Cancer Aware.

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 Recycling and Management Services Ltd be refused.

REASONS FOR DECISION

The applicant did not attend today. The applicant also did not attend on 3rd December, 2013. The Sub-Committee proceeded to determine the application. It was not able to gain the information it required to satisfy itself that the application should be granted. It therefore refused the application.

The meeting ended at 1.25 pm

CHAIR

LICENSING SUB-COMMITTEE 3

Tuesday 3rd December, 2013 at 10.55 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor K Finch (Chair)
Councillors Bills and Russell

Officers

Miss N Bangar (Legal Advisor), Mrs L Rouse (Licensing Clerk) and Mrs K Taylor (Directorate of Corporate Resources).

24. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting was submitted on behalf of Councillors Mrs Ameson and Sykes.

25. APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillors Bills and Russell were serving as substitute members for Councillors Sykes and Mrs Ameson, respectively, for this meeting of the Sub-Committee only.

26. DECLARATIONS OF INTEREST

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

27. MINUTES

RESOLVED

That the minutes of the meeting held on 24th September, 2013, be approved as a correct record and signed.

28. APPLICATION FOR REVIEW OF PREMISES LICENCE – MICHAEL'S SUPERMARKET, 18 – 19 WOLVERHAMPTON STREET, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Michael's Supermarket, 18 – 19 Wolverhampton Street, Dudley.

Mr C Singh, Premises Licence Holder, together with his Solicitor, Mr Curtis were in attendance at the meeting.

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, Ms D McNulty, Public Health, and WPC's N Lees and K Turley, both Licensing Officers of West Midlands Police Authority.

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

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

Mr King informed the Sub-Committee that on 27th September, 2013, a fifteen year old child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives.

Mr King further reported that a Mr J Singh was the Designated Premises Supervisor.

It was noted that on 11th October, 2006 Dudley Trading Standards carried out a series of intelligence led test purchases of alcohol from licensed premises. On this occasion, the underage sale volunteers were sold one bottle of "Frosty Jack" White Cider by an employee of the then Licensee, Mr P Singh. The sale resulted in the prosecution of the seller.

It was further noted that on 30th July, 2008, there was a further test purchase failure. The underage sale volunteer was sold one bottle of WKD Blue by a Mr C Singh, who was believed to be the premises licence holder. This sale resulted in the prosecution of Mr Singh and Mr P Singh for the sale of alcohol.

On 7th April, 2011 an advisory visit was carried out at the premises, and a tobacco test purchase was conducted on 25th July, 2012 at the premises with no sale being made.

On 17th October, 2012, an advisory visit was undertaken at the premises to provide advice in relation to preventing underage sales of age restricted products. Mr C Singh, who was present at the time, was given detailed advice, including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Singh was also provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card, and was asked to ensure that it was brought to the attention of all staff to ensure they were aware of their obligations under the Licensing Act 2003. It was reported that during the course of this visit, Mr Singh signed an ARP 0703 form to acknowledge receipt of the information pack.

On 18th September, 2013, an officer from Trading Standards carried out a further advisory visit to the premises and spoke to Mr C Singh again. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products. It was reported that during the course of this visit, Mr Singh signed an ARP 0973 form to acknowledge that the visit had taken place.

Mr King further stated that on 27th September, 2013, 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 fifteen year old male test purchaser volunteer purchased a 700ml bottle of WKD Iron Brew with 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been a Miss R Johal, who was believed to be the daughter of Mr C Singh. When cautioned Miss Johal admitted that she had remembered making the sale.

On inspection of the premises, it was noted that there were several Age Restricted Products on display and a 'Challenge 25' policy in place.

Miss Johal was then issued with a Fixed Penalty Notice.

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 proposed additional conditions had been circulated to all parties prior to the meeting.

Ms McNulty then presented the representations of Public Health, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the number of well-documented impacts on the health of adolescents as a consequence of alcohol consumption.

It was noted that in the opinion of Ms McNulty, the sale of alcohol to underage young people was considered to be very serious and supported the recommendation to revoke or suspend the premises licence.

Ms Turley then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that on a regular basis people would enter the premises to purchase alcohol and drink the products in the town centre, which was a no drinking zone. It was noted that officers had previously attended the premises providing advice in relation to serving people who appeared to be intoxicated, however officers found staff members to be obstructive in allowing the CCTV to be viewed to either confirm or prove any offence.

Ms Turley further reported that West Midlands Police supported the recommendation to revoke the premises licence due to the recent underage sale and previous incidents.

Mr Curtis then presented the case on behalf of Mr Singh, and in doing so stated that that the premises was a family-run business, and that responsibility had been taken for the sale of alcohol to a child, which was evident through Mr Singh displaying notices in accordance with guidance notes that had been issued on 27th September, 2013.

Mr Curtis referred to the sale of alcohol on 27th September, 2013, in particular that Mr Singh and his wife left the premises to attend a wedding, and requested their daughter, Miss Johal, an experienced personal licence holder, to manage the premises in their absence.

Mr Curtis stated that Miss Johal did not distinguish the age of the test purchase volunteer or adopt the Challenge 25 policy, which was in place at the time.

Following the representations of West Midlands Police, Mr Curtis referred to the allegation made in respect of serving people who appeared to be intoxicated. He stated that there was insufficient evidence presented to support the allegation, and that Mr Wintrip had previously witnessed Mr Singh refuse a sale of alcohol to a drunken person.

Mr Curtis referred to the powers awarded to the Sub-Committee in relation to Mr Singh's premises licence, and stated that revocation of the licence would not be a proportionate response, given that previous incidents had taken place more than six years ago.

It was noted that Mr Singh had ensured that all staff members were aware of their responsibility in relation to Age Restricted Products, and that if the Sub-Committee were minded to attach the conditions suggested by Trading Standards, they would be sufficient to prevent any further mistakes.

In responding to a question, Mr Curtis confirmed that Mr P Singh was the elder brother of Mr C Singh, and was the licensee prior to Mr C Singh, and that Mr J Singh, the current Designated Premises Supervisor, was also his brother.

Further reference was made to the allegation made by West Midlands Police in relation to serving people alcohol who were intoxicated, in responding, Ms Turley stated that she was unable to provide further information due to the Sergeant who had provided a statement being unavailable.

Following a request made by a member, Mr Curtis circulated the Refusals Register.

In responding to a question by a member in relation to the condition of the CCTV installed at the premises; Mr Singh confirmed that the CCTV was in good working order and that the issues were due to some staff members not being trained to access the system.

In responding to a question by a member in respect of the proposed additional conditions submitted by Trading Standards, Mr Curtis outlined a number of conditions that he considered to be inappropriate to Mr Singh, however he accepted that the conditions were a matter for the Sub-Committee to determine.

Reference was made to comments made in respect of Miss Johal's responsibility as an experienced Personal Licence Holder; in responding, Mr Singh stated that Miss Johal deeply regretted the sale made to the child.

Following comments made by Trading Standards in respect of the entries made in the Refusals Register; Mr Singh confirmed that a previous Refusals Register could not be located due to recent refurbishments undertaken at the premises.

In responding to a question by the chair to sum up their cases; all parties confirmed that they did not have anything further to add, however Trading Standards reported that there were some concerns in respect of the incidents at the premises that were managed by the same family for a long period of time.

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 Michael's Supermarket, 18 – 19 Wolverhampton Street, Dudley, be suspended for a period of one month. Following completion of the conditions listed below, and notification given to the Licensing Officer, the suspension of the premises licence will be lifted.

The following conditions will be attached to the premises licence:

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Conditions

- (1) A written Proof of Age Policy (Challenge 25) is to be put in force, which all staff authorised to sell alcohol will be trained in and adhere to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.
- (2) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
- (3) A Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall review the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of any responsible authority.
- (4) CCTV to be in place at the premises and to be recording at all times when the premises are open for licensable activity, to the specifications of the West Midlands Police Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request immediately, and all staff are to be trained and able to operate and download CCTV. The hard drive is to be locked but readily accessible to staff.

- (5) The Premises Licence Holder will take proportionate steps to review the premises CCTV on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (6) All persons engaged to sell alcohol must complete a training programme, which includes a written test to verify the competency of that person prior to them being authorised to sell alcohol.
- (7) The premises licence holder shall ensure that monthly reviews are conducted with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy. The monthly reviews will be recorded in writing.
- (8) A file shall be maintained at the premises for each person authorised to sell alcohol (with proof of identity which will be a copy of passport and/or driving licence). This file shall contain all training records for each person along with copies of monthly reviews as stated in point 7. This file shall be made available for inspection by any officer from a responsible authority upon request.
- (9) Any person who is suspected of purchasing alcohol for any other person, regardless of age, shall be refused service.

REASONS FOR DECISION

Following careful consideration of the information contained within the report and as reported at the meeting, the Sub-Committee have decided to suspend the premises licence for a period of one month.

The Sub-Committee will also attach the nine conditions as set out by Trading Standards.

Should these nine conditions be met and confirmed with the Licensing Officer before the expiration of the period of suspension, then the suspension will be lifted at that time.

The Sub-Committee is satisfied that implementation of the nine conditions will prevent the premises from further undermining the licensing objectives in particular the prevention of crime and disorder and the protection of children from harm.

29. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – ROYAL ORTHOPAEDIC HOSPITAL BONE TUMOUR SERVICE (ROHBTS) AND RECYCLING AND MANAGEMENT SERVICES LTD (R & MS LTD)

A report of the Director of Corporate Resources was submitted on an application for the grant of a House to House Collections Licence in respect of the Royal Orthopaedic Hospital Bone Tumour Service (ROHBTS) and Recycling and Management Services Ltd (R & MS LTD).

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

RESOLVED

- (1) That the application made for a street collection permit in respect of the Royal Orthopaedic Hospital Bone Tumour Service (ROHBTS) and Recycling and Management Services Ltd (R & MS LTD) be deferred to a future meeting of a Sub-Committee.
- (2) That the Licensing Clerk, be requested to write to the Applicant, informing them to contact the Licensing Office within fourteen days if they wished to proceed with the application, otherwise the application would then be withdrawn.

Meeting ended at 11.55 am.

CHAIR

LICENSING SUB-COMMITTEE 3

Tuesday 21st January, 2014 at 10.05 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillors Bills, Sykes and Taylor

Officers

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

30. ELECTION OF CHAIR

In the absence of the chair (Councillor K. Finch) it was

RESOLVED

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

(Councillor Bills in the Chair)

31. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting was submitted on behalf of Councillors Mrs Ameson and K. Finch.

32. APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillors Bills and Taylor were serving as substitute members for Councillors K. Finch and Mrs Ameson, respectively, for this meeting of the Sub-Committee only.

33. DECLARATIONS OF INTEREST

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

34. MINUTES

RESOLVED

That the minutes of the meeting held on 3rd December, 2013, be approved as a correct record and signed.

35. 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 6 and 5.

36. APPLICATION FOR REVIEW OF PREMISES LICENCE – BROADSTONE CONVENIENCE STORE, TWO GATES, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Broadstone Convenience Store, Two Gates, Halesowen.

Mr J Iqbal, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together with his representative, Mrs G Sharratt, Licensing Matters; Mr N Iqbal, Son; and Ms D Cashmore, supporter.

Also in attendance were Mr C King, Principal Trading Standards Officer, Directorate of the Urban Environment; and Ms D McNulty, Office of Public Health.

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 seizure of illicit alcohol on 22nd April, 2013 and 4th September, 2013 in direct contravention of the licensing objectives.

It was noted that on 26th October, 2011 an alcohol test purchase was conducted at the premises, with no sale being made.

It was further noted that following a complaint received on 12th March, 2012 by a member of the public that they had witnessed the sale of alcohol to a child at the premises, a further test purchase exercise was carried out on 16th March, 2012, with no sale being made.

Mr King further stated that on 22nd April, 2013, during an advisory visit to the premises, an officer checked the stock on display and found fifteen 70cl and six 1ltr bottles of Glens vodka, which he suspected of having counterfeit duty paid labels on the rear. The bottles were seized and a Trader's Notice 0414 was issued as a receipt.

The manufacturer of the vodka, Glen Catrine Ltd, confirmed that although the bottles contained genuine vodka, the bottles were originally made for the black market and had counterfeit duty paid labels attached to evade the excise duty payable to HMRC.

A second inspection of the premises on 4th September, 2013 found three 70cl bottles of Glens vodka for sale on the shelving behind the shop counter. An examination of the bottles suggested that they were counterfeit. It was noted that in a basement store room, the officer present found an open box containing four 70cl and four boxes containing forty-eight 70cl bottles of Glens vodka. All of the bottles were seized as it was suspected that they were counterfeit, and a report No. IR 2879 issued as receipt for the seizure.

Prior to leaving the premises, the officer present requested that Mr Iqbal submit receipts relating to the purchase of the seized vodka by 13th September, 2013, however to date this had not been actioned and Mr Iqbal had not contacted Trading Standings to discuss the matter further.

Mr King stated that one of the bottles seized on 4th September, 2013 had been analysed, and it was found to contain substances such as propan-2-ol and t-butanol, and therefore did not contain genuine vodka.

Another bottle was then sent to Glen Catrine Ltd for examination, and it was concluded that the bottles of vodka were not genuine and counterfeit and therefore breached trademarks owned by the manufacturer.

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.

Ms McNulty then presented the representations of Public Health, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the potential health risks to members of the public following the discovery of two components that there were normally found in industrial processes.

In concluding, Ms McNulty stated that she would support any actions that prevented Mr Iqbal from making counterfeit alcohol available to the public.

In responding to a question by the Legal Advisor, Mr King stated that although only two bottles were analysed, all bottles that had been seized were counterfeit. He further stated that the bottles seized on 4th September, 2013 were counterfeit in respect of duty labels and content.

Mrs Sharratt then presented the case on behalf of Mr Iqbal, and in doing so stated that Mr Iqbal had accepted responsibility and agreed with the facts presented. She also stated that Mr Iqbal had owned the general convenience store since 2011 and there had not been any issues or problems therefore Mr Iqbal had been compliant in other areas. It was further noted that eight members of staff and family members worked at the premises.

Mrs Sharratt further stated that Mr Iqbal, due to ill health, had taken a step back from management of the store, which was supported by a letter from Mr Iqbal's Doctor submitted prior to the meeting. It was noted that during Mr Iqbal's ill health he had trusted his manager, Mr Purwell, to manage the store however during Mr Iqbal's visit to Pakistan in April, 2013, Mr Purwell purchased counterfeit alcohol over the counter. Mr Purwell resigned following the purchase due to the problems caused to Mr Iqbal.

It was noted that following the resignation of Mr Purwell, Mr Iqbal's younger son, Fahim, was promoted and in September, 2013 purchased alcohol from over the counter not knowing that the alcohol could cause harm or that they may have counterfeit duty labels attached to the bottles. Mr Iqbal removed his son from his duties and re-evaluated the operation of the premises.

It was noted that Mr Iqbal's elder son, Naheem, who was in attendance at the meeting, would take over responsibility of the premises and become the Designated Premises Supervisor in the near future, and that he was taking appropriate steps into applying for his personal licence.

Mrs Sharratt stated that Mr Iqbal did not deny the purchases in the premises and acknowledged that alcohol should be purchased from cash and carry's that issued receipts, and requested the Sub-Committee to consider the previous test purchase exercises undertaken at the premises that resulted in no sale being made.

Mrs Sharratt made reference to the conditions suggested by Trading Standards, in particular, that Mr Iqbal was in agreement and suggested that the Sub-Committee may wish to include a further condition that prohibited Mr Iqbal purchasing alcohol over the counter and a poster displayed. She further stated that the Sub-Committee may wish, if deemed necessary, to remove Mr Iqbal as the Designated Premises Supervisor.

Mr Iqbal stated that he understood that the purchasing of alcohol over the counter should have not taken place and that he was let down by two people who he had trusted. He stated that there were no other issues and apologised.

In responding to a question by a member, Mr Iqbal confirmed that he was responsible for the accounts of the premises, and that he was only aware of the purchasing of the counterfeit alcohol after the inspections undertaken by Trading Standards in April and September, 2013.

In responding to the comments made by Mrs Sharratt, Mr King thanked Mr Iqbal for his honesty and that it was apparent that the poor management of the premises reflected the deteriorating health of Mr Iqbal. He also stated that Mr Iqbal had failed to provide Trading Standards with receipts or information in respect of who had sold the alcohol, and that he did not attend two interviews, due to ill health. Mr Iqbal responded that he would be handing responsibility of the premises to Naheem and that he had informed all staff members not to purchase alcohol over the counter. He further stated that he invested a large amount of money into the business and that he always purchased alcohol from cash and carry's.

In responding to a question by Mr King relating in particular to Mr Iqbal's son Fahim purchasing alcohol in September, 2013; Mr Iqbal stated that although Fahim purchased the alcohol from a person he could trust, he would be unable to contact him for further information. It was noted that Fahim purchased the alcohol the day before the Trading Standards inspection took place on 4th September, 2013.

In responding to a question by the Chair, Mrs Sharratt confirmed that all members of staff including family members had been trained and only the store manager and family members were permitted to purchase alcohol for the premises.

Reference was made to the lack of receipts for the two purchases, in particular that Mr Iqbal should have noticed that the accounts did not appear correct. In responding, Mr Iqbal stated that due to other commitments and work patterns, he would sometimes be delayed in checking the accounts.

It was noted that some companies such as Cadbury's occasionally sold their products to Mr Iqbal in the premises.

Ms Cashmore, in support of Mr Iqbal, stated that she had previously worked at the premises and was present at the premises when the counterfeit goods were seized. She further stated that the training programme provided by Mr Iqbal was very good and that given that she had known Mr Iqbal for over twenty years she had not known him to be involved with anything illegal.

Ms Cashmore further stated that although she understood the seriousness of the case, she requested the Sub-Committee to consider the potential financial impact that could be caused to Mr Iqbal and the members of staff.

Reference was made by the Legal Advisor in respect of the alcohol purchased (in a twelve bottle box) by Mr Iqbal's son the day before the Trading Standards inspection took place on 4th September, 2013, in particular, that there were seven bottles accounted, therefore five bottles missing and assumed sold during the day. In response, Mr Iqbal stated that the only facts that he knew were what his son had explained to him, in that he had purchased the alcohol the night before.

In responding to a question by the Legal Advisor, Mrs Sharratt confirmed that three weeks would be a realistic time to appoint Naheem Iqbal as the Designated Premises Supervisor.

In summing up, Mr King, on behalf of Trading Standards, stated that Mr Iqbal had accepted the facts presented in relation to the two seizures on 22nd April, 2013 and 4th September, 2013, and that although Mr Iqbal had been requested to submit information in respect of where the alcohol had been purchased, it had been confirmed today that Mr Iqbal's son had purchased the alcohol over the counter. He further stated that it was evident that the management of the premises had reflected Mr Iqbal's bad health and that his concerns of the premises remained.

In summing up, Ms McNulty, on behalf of Public Health, urged Mr Iqbal to inform Trading Standards of the location of the counterfeit alcohol in order to prevent any harm to members of the public.

In summing up, Mrs Sharratt on behalf of Mr Iqbal, stated that the business, in the long-term, would be transferred to Naheem Iqbal, and the process for appointing Naheem as the Designated Premises Supervisor could be completed quickly. She further stated that she considered a suspension would not be proportionate and suggested adding additional conditions in relation to purchasing alcohol over the counter.

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 J Iqbal be removed as the Designated Premises Supervisor in respect of the premises known as Broadstone Convenience Store, Two Gates, Halesowen.

The conditions listed below will also be attached to the premises licence.

REASONS FOR DECISION

This is a review of a premises licence, brought by Trading Standards in respect of Broadstone Convenience Store. The review was brought as a result of two specific incidents. The first was the seizure of twenty-one bottles of vodka on 22nd April, 2013, which were suspected, and later found, to have counterfeit duty paid labels. The vodka was genuine but the counterfeit labels were added to evade duty. The bottles were seized, found to be counterfeit, and therefore not returned to the store. No further action was taken.

On 4th September, 2013, Trading Standards conducted a further visit to the premises. 3 bottles of vodka were found for sale on the shelves which were believed to be counterfeit. A search of the shop store room revealed four twelve-bottle boxes of vodka and an open box with just four bottles of vodka inside. These too were suspected as counterfeit. Tests revealed that the bottles contained counterfeit alcohol, probably of industrial origin.

Mr Iqbal, the Premises Licence Holder and Designated Premises Supervisor, attended today. He accepted full responsibility for the two purchases of alcohol. Mr Iqbal has, due to ill health, taken a step back from management of the store day to day. In April, 2013, the store manager purchased counterfeit alcohol over the counter. He resigned as a result of this purchase. Mr Iqbal accepted that alcohol should not be bought over the counter, but should be bought from a cash and carry.

In September, Mr Iqbal's son Fahim, who had been promoted, bought alcohol from over the counter again and not from a cash and carry. Mr Iqbal accepts that this alcohol was counterfeit and does not dispute the test analysis.

Mr Iqbal did not attend for two interviews with Trading Standards, he says, due to ill health. Mr Iqbal stated that he cannot trace the person who sold the alcohol to his son, and that his son cannot identify the person who sold the alcohol on the second occasion. Mr Iqbal stated that his son stated he purchased the alcohol the day before the Trading Standards inspection took place on 4th September, 2013. If this is true, it appears that as many as five bottles of vodka were sold in a day. The Sub-Committee finds that Mr Iqbal's son has probably not told the truth about the purchase. No receipts appear to have been taken. The Sub-Committee is extremely disappointed that Mr Iqbal and his son have not presented information about the seller to Trading Standards, particularly as the son is stated to have purchased the alcohol from a person he could trust. It is clear that the whole truth is not being told.

Mr Iqbal accepts that he has not managed the premises as well as he ought to have done, and has taken some steps toward appointing his son, Nahim, as Designated Premises Supervisor. The Sub-Committee finds that Mr Iqbal has not managed the premises as he should, and therefore removes him as the Designated Premises Supervisor.

The Sub-Committee takes the further step of imposing the two conditions proposed by Trading Standards listed below, on the premises licence, and also add the following condition :-

- (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.
- (3) The premises shall display a clear notice in the front shop window stating, that alcohol is only purchased by these premises from a recognised, reputable and traceable wholesaler.

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

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Best Wine Off Licence, 4 Castle Street, Coseley be deferred.

It was noted that the Premises Licence Holder, Mr B Limachiya was not in attendance at the meeting, and that a letter and phone call inviting him to the Sub-Committee had been delivered in sufficient time.

Mr C King, Principal Trading Standards Officer, Directorate of the Urban Environment; and Ms D McNulty, Office of Public Health were in attendance at the meeting.

Following a brief discussion it was

RESOLVED

- (1) That, in view of the Premises Licence Holder's non-attendance, the application for the review of the premises licence in respect of Best Wine Off Licence, 4 Castle Street, Coseley.
- (2) That the Licensing Clerk be requested to write to the Premises Licence Holder to request his attendance at a re-convened meeting, and to inform him that should he fail to attend the Sub-Committee the application would be heard in his absence.

Meeting ended at 12.05 pm.

CHAIR

LICENSING SUB-COMMITTEE 4

Tuesday 10th December, 2013 at 10.05 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Roberts (Chair)
Councillors Perks and Sykes

Officers: -

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

13 APOLOGY FOR ABSENCE

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

14 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor Sykes had been appointed as a substitute Member for Councillor Woodall for this meeting of the Sub-Committee only.

15 DECLARATIONS OF INTEREST

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

16 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 27th August, 2013, be approved as a correct record and signed.

17 APPLICATION FOR REVIEW OF PREMISES LICENCE – HIGH STREET EXTRAS (PREMIER), 79 HIGH STREET, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of High Street Extras (Premier), 79 High Street, Dudley.

Mr V Kalaichelvan, Designated Premises Supervisor, was in attendance at the meeting together with his representative, and supporter.

Also in attendance were Mr C King, Principal Trading Standards Officer, the Directorate of the Urban Environment, Ms D McNulty, Office of Public Health; and K Turley, Licensing Officer from West Midlands Police.

Following introductions, it was noted that Mr V Kalaichelvan was the Designated Premises Supervisor, and that his wife Mrs U Kalaichelvan was the Premises Licence Holder, who was not in attendance at the meeting due to health problems.

It was further noted that Mrs Kalaichelvan had consented for Mr Kalaichelvan to represent her at the hearing, and that there had been confusion as all documentation relating to the review had been in respect of Mr Kalaichelvan.

Further to comments made, the Licensing Clerk informed the Sub-Committee that all documentation sent had been addressed to Mrs U Kalaichelvan, however it was accepted by the Sub-Committee that there were minor discrepancies in the documentation submitted.

Following a brief discussion it was

RESOLVED

That consideration of the application made for the review of the premises licence in respect of High Street Extras (Premier), 79 High Street, Dudley be adjourned to a future meeting.

The Sub-Committee requested that both Mr and Mrs Kalaichelvan attend the re-convened hearing.

18

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – G F MEATS LTD- HALESOWEN TOWN CENTRE

A report of the Director of the Corporate Resources was submitted on an application made by Mr M Geraghty for the grant of consent to engage in street trading to sell meat between the hours of 8.00 am and 4.00 pm, Thursday to Saturday inclusive in Halesowen Town Centre.

Mr M Geraghty, Applicant, together with his partner, Miss M Moore, was in attendance at the meeting.

Also in attendance was Mr M Hanson, Enforcement Officer, Directorate of Corporate Resources.

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

It was noted that the Cornbow Shopping Centre, Chamber of Trade and Fine Fresh Foods had made representations in relation to the application that had been circulated to the applicant, members of the Sub-Committee and interested parties.

Mr Hanson informed the Sub-Committee that he had attended the location with Mr Geraghty, and circulated photographs highlighting the three proposed sites suggested by Mr Geraghty. It was noted that option three, namely, Hagley Street, Halesowen, would be sufficient to accommodate Mr Geraghty's vehicle.

In responding to a question by the Legal Advisor; Miss Moore stated that there had been no meetings or communications between the parties that submitted objections; however they did contact Bescott Promotions, who operated the Farmer's Market, who confirmed that they had no objection to the application.

Reference was made to an inspection report, dated April 2012, that highlighted a number of recommendations to the business. Miss Moore confirmed that all recommendations had been implemented and had since been awarded a rating of four out of five for hygiene.

In responding to a question by a Member, Miss Moore stated that they had applied for a consent in Halesowen, following a recent move to the Halesowen area and would therefore reduce diesel costs and enable Mr Geraghty to be local to home. She informed the Sub-Committee that it would not be possible to purchase a shop in the town centre due to lack of capital, however this could be addressed in the future.

In responding to a question by a member, Miss Moore stated that should the application be granted, the business would not trade until after the Christmas period, and that there would be cover available should Mr Geraghty be unable to work.

Further to comments made by Mr Hanson in relation to the three proposed locations; Miss Moore stated that they were flexible and would be happy with any site, should the Sub-Committee be minded to approve the application.

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

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

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

RESOLVED

That the application made by Mr Geraghty for the grant of consent to engage in street trading at a site in Halesowen Town Centre, be refused.

REASONS FOR DECISION

The Sub-Committee has heard the application by Mr Geraghty and Ms Moore, for a traders consent, to sell meat, in Halesowen Town Centre.

The Cornbow Shopping Centre, the Halesowen Chamber of Trade and Fine Fresh Foods have made representations, opposing the grant of the consent. Primarily, their opposition is based upon the fact that there are two independent sellers of meat, as well as supermarkets in Halesowen already, and that these premises have high overheads.

Mr Hanson, Enforcement Officer, has visited the three proposed sites, and stated that the first choice would clash with the fortnightly Saturday market, and that the second choice is a narrow space. The third choice location is a longer space.

The Sub-Committee has considered the interests of shoppers and traders in Halesowen, and the availability of meat in the town, and does not think that a further outlet for meat is required, or in the interests of the town. The application is therefore refused.

The meeting ended at 11.40 am

CHAIR

TAXIS COMMITTEE

Wednesday, 11th December, 2013 at 5.30 p.m.
In Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Body (Chair)
Councillor A. Aston (Vice Chair)
Councillors Mrs. Ameson, Cowell, Hemingsley, J. Martin, Roberts, Taylor and Vickers

Officers:-

Assistant Director (Law and Governance), Mr. T. Holder, Solicitor, Mr. M. Hanson (Licensing Clerk) and Mr. J. Jablonski (all Directorate of Corporate Resources)

together with 50 members of the public for the Item - Review of Policy – Private Hire and Hackney Carriage Vehicles

79. APOLOGY FOR ABSENCE

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

80. APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor J. Martin had been appointed as a substitute member for Councillor A. Ahmed for this meeting of the Committee only.

81. DECLARATIONS OF INTEREST

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

82. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 14th November, 2013, be approved as a correct record and signed.

83. DBS FORMS

A report of the Director of Corporate Resources was submitted on a review of the policy in respect of reports received from the Disclosure and Barring Service.

RESOLVED

That approval be given to the addition of a condition of licence to be attached to all private hire and hackney carriage drivers' licences to the effect that following the receipt of a disclosure from the Disclosure and Barring Service the licence holder be required to produce the documentation to the Licensing Office within seven days of the date of the receipt of the documentation to avoid any delays in processing the application.

84. REVIEW OF POLICY – PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES

A report of the Director of Corporate Resources was submitted on a review of the single colour policy in relation to private hire vehicles.

At this juncture Ms L Harris, Solicitor, together with representatives from the Dudley Private Hire and Taxi Association and Dudley Taxi Alliance, attended the meeting to make representations in respect of this matter.

Prior to detailed consideration of the report submitted, Councillor Vickers reported that he had received three e-mails, two from the Taxi Drivers Association and one from the Chair in connection with this matter and considered that this was not an appropriate approach to be made to Members of the Committee prior to consideration of this item.

In response the Assistant Director (Law and Governance), requested that Ms Harris make her clients aware that any attempt to influence the Members of the Committee in this matter would be taken very seriously and that given that this was a quasi judicial matter it was important that the Committee determined the matter only on what they had heard and the evidence presented to the Committee. It was also important that Committee Members considered the matter with an open and not a closed mind.

The Assistant Director (Law and Governance) then presented the content of the report submitted and in so doing referred to an e-mail that he had received at the time this matter was last considered in March, 2013 in respect of the Police position on the single colour policy.

In essence whilst the Police have historically supported the current policy it was noted that there was little hard evidence to support the premise that a single vehicle colour was in itself safer. The overriding issue was that whatever colour adequate signage was displayed and members of the public were educated as to the do's and don'ts of using private licensed taxis.

Following on from reference in the report as to the current availability of white cars in particular the cost of purchasing a new white car and information in respect of the law reform project undertaken by the Law Commission in relation to the law for taxis and private hire services in that there would be a further delay to April, 2014 before the recommendations and draft bill would be issued, consideration was given to two particular proposals in relation to national standards for private hire services and cross border issues, which could impact on any decision taken by the Committee .

Reference was also made to surveys of the public undertaken by the private hire trade, which had only recently been received. Copies of the results of the survey were now available in the Members room and circulated at the meeting. It was appreciated that Members did not have the opportunity to fully consider the information circulated.

It was further noted that the review in respect of private hire vehicles may also impact on hackney carriages.

Following the presentation of the content of the report submitted the Assistant Director (Law and Governance) then outlined the procedure to be followed in relation to the further consideration of this item.

Members then asked a number of questions of the Assistant Director, to which responses were given. Particular responses related the view of the Police as reported on and the response that the Council were not aware of any prejudicial or detrimental impact on the safety of the public by the policy that had been introduced. Furthermore, a lot of work had been done to educate the public and that as part of a package information was given that a white vehicle, together with adequate signage should be used and that if it was not white they should not go in the vehicle as in Dudley if the vehicle was not white it was not a private hire vehicle.

Again it was emphasised that the Dudley policy had served the Borough well and there was no evidence that public safety had been compromised. Comments were also made on the assistance given to the Police in the identification of offending vehicles and criminal investigations in that having one colour made such matters easier to pursue.

In response to a further question it was noted that neighbouring boroughs mainly allowed a single colour for a hackney carriage vehicle whilst allowing private hire vehicles to be multi-coloured.

In response to a further question as to why this matter was again before the Committee having only previously been considered in March, 2013, the Chair referred to discussions he had with the trade and requests made for evidence to be provided by them of the need for a change in the policy. Further discussions had also been held with other Local Authorities and Officers on this matter and he had also undertaken a survey in his Ward so that the required information was now available to enable a reconsideration of this matter.

The view was also expressed though, that in view of the possible changes arising from the Law Commissions Reform project in relation to the law for taxis and private hire services, the issue of the policy change should be deferred until the publication of the Law Commission recommendations and draft bill, which was option 1 contained in the recommendations set out in the report submitted.

Ms Harris then made representations on behalf of the trade in relation to a change to the single colour policy.

In so doing she commented that she felt it was dangerous to tell the public to look out for a white vehicle in that they also needed to look out for things such as signage and other indications that the vehicle was in fact a private hire vehicle; that neighbouring boroughs stated that people needed to get into a licensed vehicle with the emphasis being on licensed; that the Law Commission's proposals were only proposals in that there was no guarantee they would be enacted and that there was a long legislative process to be gone through before this would happen and so it would not be appropriate to defer consideration of this matter pending publication of the Law Commission's recommendations; emphasis was given to the comments made by the Police in that there was little hard evidence to support the premise that a single vehicle colour was in itself safer; that other Authorities in the country enabled multi-coloured cars to be used and that there was no evidence from those Authorities that the number of incidents in relation to public safety was any greater or lesser than in Dudley; that after 13 years it was considered that the policy needed updating; that arising from surveys undertaken the colour of the vehicle was considered to be irrelevant; that there were no valid reasons for waiting for the Law Commissions report to be published; that the trade intended to comply with signage requirements; that there was no mention in the Law Commission proposals as to restrictions on the colour of vehicles and that the private hire drivers considered that the condition was outdated and that there was no need to have a single colour policy and that if new vehicles were bought in some cases additional costs were incurred.

In essence when the public book a private hire vehicle they want to know the vehicle is from the company that they have contacted, that there was appropriate customer services and that the vehicles were clean and the drivers maintained appropriate standards.

Following the comments made a number of questions were asked by Members and the Assistant Director to which responses were given. In particular it was considered by Ms Harris that the effect of any policy change on the hackney carriage trade needed to be considered separately and the meeting was about the colour of private hire vehicles not hackney carriages. Further it was considered that any change in the single colour policy for those vehicles needed to be consulted on by the Council.

In response the Assistant Director clarified the issue in that private hire and hackney carriage vehicle colours had been considered together in the decision made in 1995 regarding the single colour policy and that the Committee would have to make a decision on both as they could not be disentangled.

In respect of further questions asked of Ms Harris, she responded in particular that the trade felt disappointed as they considered that the Council were not listening to them on this particular issue and reiterated that they felt that the policy was outdated and that there was no evidence that it was still required. A further comment was made to the effect that if the Council retained its single colour policy and changes were made as proposed by the Law Commission that drivers would go elsewhere to be licensed leading to a reduction in licence fees collected by the Council.

Regarding the concerns of the hackney carriage trade it was reported that they supported multi-coloured private hire vehicles but had concerns if hackney carriages could only be black in colour. It was reported that currently approximately 56% of hackney carriages in the borough were black in colour.

Regarding the situation in neighbouring Authorities with regard to hackney carriage vehicles it was reported that other Authorities also had multi-coloured hackney carriage vehicles, although there were variations to this basic policy.

The Chair then reported on the outcome of consultations he had held with residents in his Ward and arising from this commented that the only way in which residents could be safe was for them to look out for appropriate signage and door badges together with the Dudley logo and check that these were in place before getting into a vehicle. Arising from this it was further commented upon that it was a fact that people other than private hire drivers used white cars and that there was no evidence to support the premise that a single vehicle colour was in itself safer.

A concluding comment was made that in the absence of evidence to the contrary for retaining the policy the Council should work with the trade and agree to what was considered to be a fair and reasonable request.

At the conclusion of comments made Members voted on the options numbered 1, 2 and 3 set out in the report submitted and arising from the outcome of that vote also voted on option 4 in relation to the current hackney carriage vehicle conditions regarding vehicle colour.

Arising from the votes taken, it was

RESOLVED

- (1) That in respect of private hire vehicles:-

From 1 June, 2014, private hire vehicles be allowed to be any colour providing that the vehicle displays:-

Two doors signs, of which one door sign to be displayed on the vehicle's front offside and one to be displayed on the vehicle's nearside passenger door.

The door signs were yet to be approved but it was envisaged that they would display the vehicle's licence plate number, the operator's base telephone number and includes the wording "licensed private hire vehicle" and "telephone bookings only".

and

Display a roof sign that complies with the current private hire vehicle conditions:-

- 4(a) Subject to paragraphs (ii) and (iii) below the holder of this licence shall not display or allow to be displayed on or from the vehicle any signs or notice which consist of or includes the word "taxi" or the word "cab" (whether in the singular or plural) or the word "hire" or any word or similar meaning or appearance;
- (b) Any advertisement on the exterior of the vehicle or on the inner surface of the window thereof;

The above condition,

- (i) Does not apply to any part of the vehicle to which Section 64 of the Transport Act 1980 applies; and
- (ii) Shall not apply to a roof sign displayed on the roof of the vehicle, which consists solely of the name of the firm and telephone number and which shall not in anyway include the words "taxi" or "cab" or "for hire" provided that the sign is of such design, size, colour and type as may be approved by the Council; and

(iii) All private hire drivers shall display a roof sign approved by the Council. The sign shall display the name and telephone number of the company, the words “private hire office bookings only” and shall be customised by the Council with the vehicle registration number and private hire plate number.

(c) The foregoing condition,

(i) Does not apply to any part of the vehicle to which Section 64 of the Transport Act 1980 applies; and

(ii) The sign shall be supplied by the Council and at such cost decided by them;

(iii) The holder of a private hire vehicle licence may display a sign on the front and rear windscreen of the vehicle which consists solely of the words “licenced private hire car” and which may be followed by the name and telephone number of the proprietor. The sign is to be of such design, size, colour and type as may be approved by the Council.

(2) In respect of hackney carriage vehicles

That hackney carriage vehicle conditions numbered 4 and 5 be removed and replaced with a condition to the effect that from 1st June, 2014 hackney carriage vehicles can be of any colour.

85. INTRODUCTION OF A “CUSTOMER FEEDBACK SCHEME”

A report of the Director of Corporate Resources was submitted on an in principle proposal to the introduction of a customer feedback scheme, which would put the emphasis of good driver practice on the individual driver and the taxi base.

RESOLVED

That approval in principle be given to the introduction of a customer feedback scheme with effect from 1st June, 2014 and that a further report on this matter be submitted to a future meeting of this Committee prior to the date of implementation.

86. EXCLUSION OF THE PUBLIC

RESOLVED

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

<u>Description of Item</u>	<u>Relevant paragraph of Part I of Schedule 12A</u>
Review of hackney carriage driver's licence – Mr FA	1
Revocation of hackney carriage driver's licence – Mr AK	1
Grant of private hire and hackney carriage drivers' licences – Mr IA	1

87. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR FA

A report of the Director of Corporate Resources was submitted on a review of the hackney carriage driver's licence issued to Mr FA in the light of an offence committed as set out in paragraph 30 of the report submitted.

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

Ms Harris commented on the circumstances surrounding the offence committed and in response to questions asked by the Committee Mr FA also outlined the circumstances leading to the offence committed. It was also reported that there were no matters pending that needed to be reported to the Committee.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the hackney carriage driver's licence issued to Mr FA be revoked in the light of the information contained in the report submitted regarding offences committed since 2007 and the latest offence committed in 2013.

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

88.

REVOCATION OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR AK

A report of the Director of Corporate Resources was submitted on the revocation of the hackney carriage driver's licence issued to Mr AK in the light of the information contained in paragraph 20 of the report submitted regarding Mr AK's disqualification from driving for a period of 12 months on 22nd October, 2013 at Dudley Magistrates Court following a road traffic collision.

Mr AK was in attendance at the meeting together with his Solicitor, Ms Harris, and a supporter.

Ms Harris informed the Committee that Mr AK had appealed the decision of the Magistrates Court on the basis that the sentence was excessive and that the appeal had been upheld resulting in a decision of the award of 6 penalty points on Mr AK's licence together with a fine of £120. The offence committed was that of driving without due care and attention.

Arising from the comments made, Members asked a number of questions and a question was also asked regarding when Mr AK notified the Council of the incident. It was reported that the matter was not reported to the Council. This was a breach of condition of licence. Following further questioning it was confirmed that Mr AK had a total of 6 penalty points. It was further reported that there were no other matters pending that needed to be brought to the attention of the Committee.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the hackney carriage driver's licence issued to Mr AK be revoked in the light of the pattern of offending as outlined in the report involving offences committed in 2010, 2012 and the latest offence in 2013.

Mr AK was informed of his right to appeal the decision of the Committee

89.

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

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

Mr IA was in attendance at the meeting together with a supporter and responded to questions asked by Members of the Committee in relation to the offences outlined in the report submitted. It was also reported that there were no matters pending that needed to be brought to the attention of the Committee.

In support of his application Mr IA made verbal representations and produced a letter, which was circulated at the meeting. Details of his personal circumstances were also reported on.

RESOLVED

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

The meeting ended at 8.35 p.m.

CHAIR

TAXIS COMMITTEE

Thursday 9th January 2014 at 5.30 p.m.
In Committee Room 3 at the Council House, Dudley

PRESENT:-

Councillor Body (Chair)
Councillor A. Aston (Vice Chair)
Councillors A Ahmed, Mrs. Ameson, Cowell, Hemingsley, Roberts, Taylor and Vickers

Officers:-

Assistant Director (Law and Governance), Mr. T. Holder, Solicitor and Mr. J. Jablonski (all Directorate of Corporate Resources)

90. DECLARATIONS OF INTEREST

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

91. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 11th December, 2013, be approved as a correct record and signed.

92. 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 I 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 I of Schedule 12A

Review of hackney carriage and 1 private hire drivers' licences – Mr AAA

Review of private hire driver's licence 1
Mr WN

Grant of private hire and hackney 1
carriage drivers' licences – Mr AA

Renewal of private hire driver's licence 1
– Mr AWM

93. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES – MR AAA

A report of the Director of Corporate Resources was submitted on a review of the hackney carriage and private hire drivers' licences issued to Mr AAA in the light of the conviction referred to in paragraph 3 of the report submitted which was not reported within the required 7 day period. Mr AAA was therefore in breach of condition 2 of his hackney carriage driver's licence and condition 10 of his private hire driver's licence.

Mr AAA was in attendance at the meeting together with a supporter.

Mr AAA responded to questions asked by the Committee regarding the offence committed and his non-reporting of the conviction. Mr AAA also reported that there were no matters pending that needed to be reported to the Committee.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr AAA receive a written warning as to his future conduct in the light of the conviction and non reporting of the conviction reported on.

94. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR WN

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr WN in the light of a conviction referred to in paragraph 11 of the report submitted and the breach of condition 10 of his private hire driver's licence by the non reporting of the conviction to the licensing office within the required 7 day period.

Mr WN was in attendance at the meeting together with a supporter and responded to questions asked by the Committee regarding the offence for which he had been convicted. Mr WN also responded to questions asked regarding an earlier conviction in February 2004. It was also reported that there were no matters pending that needed to be reported to the Committee.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the private hire driver's licence issued to Mr WN be revoked in the light of the information received regarding the offence for which he had been convicted in 2013.

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

95. GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR AA

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

Mr AA was in attendance at the meeting together with a supporter and responded to questions asked by the Committee regarding the caution he had received in 2012, referred to in paragraph 3 of the report submitted. Mr AA also informed the Committee that there were no matters pending that needed to be reported to them.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, approval be given to the grant of private hire and hackney carriage drivers' licences to Mr AA for a period of 3 months and that the next application for renewal of the licences be referred to the Committee for determination.

96. RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE – MR AM

A report of the Director of Corporate Resources was submitted on the renewal of the private hire driver's licence issued to Mr AM in the light of offences committed, as outlined in paragraph 5 of the report submitted, and the non reporting of the conviction in 2013 within the required 7 day period, a breach of condition 10 of his private hire driver's licence.

Mr AM was in attendance at the meeting and informed the Committee of the circumstances relating to the offence for which he had been convicted in 2013. He also informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the private hire driver's licence issued to Mr AM be renewed with effect from 10th December, 2013, but suspended for a period of one month in the light of the offence for which he had been convicted in 2013, as outlined in paragraph 5 of the report submitted.

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

The meeting ended at 6.30 p.m.

CHAIR

DUDLEY HEALTH AND WELLBEING BOARD

Tuesday, 28th January, 2014 at 3.00 pm
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor S Turner (Chair)
Councillors Branwood and Miller
Director of Adult, Community and Housing Services, Interim Director of Children's Services, Assistant Director of Planning and Environmental Health, Director of Public Health, Dr D Hegarty and Mr P Maubach - Dudley Clinical Commissioning Group; Alison Taylor, Local Area Team, NHS Commissioning Board, Pam Bradbury – Chair of Health Watch Dudley and Chief Superintendant Johnson – West Midlands Police.

In attendance

Assistant Director, Adult Social Care (Directorate of Adult, Community and Housing Services), Assistant Director (Quality and Partnership) (Directorate of Children's Services), Mr N Bucktin, Head of Partnership Commissioning – Clinical Commissioning Group, Ms K Jackson, Consultant in Public Health (Office of Public Health) and Mr J Jablonski (Directorate of Corporate Resources)

Also in attendance

Ms N Hussain, Stroke Programme Lead (for Agenda Item No. 8)
Ms L Prescott, Senior Development Officer, Dudley CVS (for Agenda Item No. 6)

Observer

Councillor Foster; together with Dr Rob Dalziel – Healthwatch Dudley and 7 members of the public.

23. COMMENTS MADE BY THE CHAIR

The Chair welcomed everyone to the meeting in particular Pam Bradbury the newly elected Chair of Healthwatch Dudley and Lorna Prescott, Senior Development Officer of Dudley CVS.

24. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillor Crumpton, Dr Cartwright and Andy Gray.

25. DECLARATIONS OF INTEREST

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

26. MINUTES

RESOLVED

That the minutes of the meeting of the Board held on 26th September, 2013, be approved as a correct record and signed.

27. PERFORMANCE MONITORING ARRANGEMENTS AND CURRENT PERFORMANCE STATUS

A joint report of Officers was submitted giving an overview of proposed arrangements by which the Health and Wellbeing Board could monitor performance outcomes against national and local priorities for health and wellbeing and an update on current progress in relation to national and local priorities and the implementation of Dudley Borough's Health and Wellbeing Strategy. Attached as Appendices 1 and 2 of the report submitted were Supporting Commentary for Indicators Significantly Below the England average (accompanies the outcomes frameworks report) and Local Indicators and Actions Health and Wellbeing Strategy Implementation Plan 2013/14 – 2014/15 together with Health and Wellbeing Priorities – Outcomes Frameworks.

Arising from the presentation given on the contents of the report, and its Appendices, a comment was made in relation to the indicator – Access to GP Services – in Appendix 1 to the report that the Lead should be amended to CCG/NHS England. It was indicated that this would be done.

RESOLVED

That the information contained in the report, and Appendices to the report, submitted on the current performance status for Dudley Borough be noted and that the proposed performance monitoring arrangements be agreed.

28. CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13(c), it was

RESOLVED

That Agenda Item Nos. 10 and 11 be considered as the next items of business

29. PRESENTATION ON DEVELOPMENT OF CLINICAL COMMISSIONING GROUP'S STRATEGIC PLAN – EVERYONE COUNTS – PLANNING FOR PATIENTS 2014/15 – 2018/19

A presentation was given on the development of the Clinical Commissioning Group's Strategic Plan entitled Everyone Counts – Planning for Patients 2014/15 – 2018/19. The presentation had previously been circulated to Board Members and was available on the Council's Committee Management Information System (CMIS).

The content of the presentation was a response to outline planning guidance from NHS England to whom the planned framework needed to be submitted by 31st January, 2014. The initial planning assumptions and the basis of those assumptions were set out in the presentation.

Contracts with the main providers had to be agreed by 28th February, and the substantive Plan would be submitted to this Board at its meeting to be held on 26th March, 2014. The Plan to be considered at that meeting would include further detail in particular key performance indicators. The final Plan will then be submitted to NHS England by 4th April, 2014.

The Plan will comprise a 2 year detailed operational plan and a 5 year plan to deliver six service models, as set out in the presentation. However, in addition to the requirement for a 15% reduction in emergency activity there would also be a requirement for a 20% efficiency gain for elective activity.

Arising from the presentation given comments were made and responded to regarding the process indicated in particular the agreeing of contracts before the final plan had been agreed.

RESOLVED

That the information contained in the presentation submitted on the development of the Clinical Commissioning Group's Strategic Plan entitled Everyone Counts – Planning for Patients 2014/15 – 2018/19, be noted and that a further report on this matter be submitted to the meeting of this Board to be held on 26th March, 2014.

30. URGENT CARE CONSULTATION OUTCOME AND THE RECONFIGURATION OF URGENT CARE

A report of the Chief Accountable Officer, Dudley Clinical Commissioning Group was submitted on the outcome of the Clinical Commissioning Group's (CCG's) consultation process in relation to the future clinical model for urgent care in Dudley and on the CCG's final proposals for urgent care in the light of the consultation exercise. Attached as Appendices to the report were two reports considered by the CCG at its Board meeting on 9th January, 2014. The first set out an overview of the consultation process and the feedback received and the second set out the CCG's proposed clinical mode for urgent care in the light of the outcome of the consultation process. The recommendations in both reports had now been approved by the CCG and had been the subject of a separate report to the Health Scrutiny Committee of the Council on 23rd January, 2013.

Mr Maubach, the Chief Accountable Officer, Dudley CCG, in presenting the report commented on the discussions held by his Board on this matter in particular the three main areas of concern regarding the transfer of the Walk In Centre to the Russells Hall Hospital site. These concerns had arisen from the Questionnaire Survey carried out by Health Watch Dudley during the period 29th November to 5th December, 2013. A copy of their report had previously been circulated to Members of the Board and an updated report had subsequently been e-mailed to them.

The three areas of concern were

- Whether co-locating the walk in service at Russells Hall Hospital would create additional pressure on the Accident and Emergency Service at Russells Hall
- That access to Russells Hall was better
- Parking at Russells Hall

There were considered to be no challenges or issues around clinical arrangements in relation to the proposal.

In relation to the three issues raised, Mr Maubach reported that it was considered that the pressure on A & E Services would in actual fact reduce as a result of the co-location of services as all patients would be triaged at the single point of entry; that access by public transport was better to Russells Hall and that the issue regarding parking was that whilst there were difficulties with parking at Russells Hall and it was free at the Walk In Centre there were other issues regards parking at the Centre and on balance it was considered that the advantages of the transfer outweighed any difficulties.

The recommendation that had been agreed therefore was for the creation of a new Urgent Care Centre on a 24/7 service basis maintaining the ability to walk in and integrating the out of hours service into the walk in service thus extending the activity beyond the current arrangements. There would also be an option within the Centre for appointments to be booked following triage over the telephone using the 111 service, particularly out of hours and at weekends.

However, also arising from the Survey undertaken, it was noted that the public preferred improved GP access and there was a recommendation contained in the covering report submitted as regards involving NHS England in this issue as a partner on the Board with the contractual responsibility for GP access.

Arising from the presentation given a number of questions were asked and issues raised to which responses were given, in particular

- That the scenario three model agreed upon would meet current levels of demand with the long term preference seeing a reduction in demand arising from improved GP access and efficiencies. There was, therefore, an important link between the two.
- As indicated above the new service would be provided on a 24/7 basis.
- The issue of quality of clinical care was a contractual challenge the key being to get the specification right. Mr Maubach undertook to report to a future meeting of the Board on the development of the specification.
- Arising from concerns raised about whether a person visiting the new centre would be guaranteed to see a GP it was considered that not everyone attending the new service would need to see a GP and their availability may depend on the time of day someone attended the centre. GP provision as part of the out of hours service would need to be included in the contract specification.
- The contract specification would need to be developed in relation to the high paediatric element attending the Walk In Centre and in relation to people with mental health issues. The Survey results arising from the work undertaken by Health Watch Dudley would assist with this.
- There did not appear to be any barriers to GP's fulfilling their contractual obligations so that GP access could be improved in Dudley.

- Various arrangements including developing joint Commissioning arrangements for GP services with NHS England and asking them to demonstrate how they intend to improve this in Dudley will be put in hand. NHS England for their part were aware of the issues and considering them.
- That there was the linked issue of variations in resources across practices in the Borough, which also required attention. The need for local determination of resources was suggested.
- The need for harmonisation of IT systems across practices was considered to be a big issue, however, changes would give rise to disruption in practices. The issue of whether the meeting of targets by practices during any period of change could be varied was raised. It was considered that practices in the Borough were moving towards linked IT systems as this was one of the key enablers to improving access.
- A report on the contractual element with joint Commissioning regarding future arrangements in terms of IT, the problems and what might be done to overcome this was requested for a future meeting of this Board.

Arising from the comments made the Chair indicated that he was more confident now about the proposal for an urgent Care Centre especially with regards to the 24/7 service aspect with the booking of appointments, however, he would like to see more details on access to GP's at the new Centre and how it was proposed that this work in practice.

He also referred to the scenario detail and estimated activity levels referred to in the second report to the CCG Board attached as an Appendix to the current report and considered that Scenario 5 was where the CCG would wish to be eventually whereas the current decision related to Scenario 3.

He therefore requested assurances regarding GP provision within the urgent Care Centre and for the CCG Board not to move to Scenario 5 until that aspect had come back to this Board.

RESOLVED

That, subject to assurances around GP provision within the new Urgent Care Centre and to the CCG Board not moving to Scenario 5 until this proposal had come back to this Board for consideration:-

- (1) The consultation process carried out by the CCG and its outcome be noted.

- (2) That the recommendations on the future configuration of urgent care as approved by the CCG in the light of the public consultation process be noted.
- (3) That NHS England, as a partner on this Board, with contractual responsibility for access to General Practice, be invited to demonstrate how they intend to improve this in Dudley.
- (4) That joint commissioning as a means of addressing the issue of access to General Practice be supported; and
- (5) That the CCG's proposals for the future configuration of urgent care be approved.

31. HEALTH AND WELLBEING BOARD COMMUNITY ENGAGEMENT PRINCIPLES

A report of a Senior Development Officer of Dudley CVS, prepared on behalf of the Health and Wellbeing Board Development Group, was submitted on a summary of findings from interviews with Board Members in relation to engagement and proposed principles in relation to involvement and engagement.

The Board was also invited to consider the principles to guide processes and practice in relation to the engagement and involvement of local people in the commissioning and provision of services and in the realisation of vision, aspirations and priorities in Dudley's Health and Wellbeing Strategy.

Attached, as an Appendix to the report submitted was a copy of a report entitled Engaging Together? Towards a collective approach of involving individuals and communities led by Dudley Health and Wellbeing Board.

Arising from a presentation of the content of the report, and Appendix to the report, submitted Lorna Prescott, the Senior Development Officer of Dudley CVS who had prepared the report was thanked for the work undertaken and it was noted that a further report would be submitted to the Board in due course.

RESOLVED

That, arising from consideration of the content of the report, and Appendix to the report, submitted on community engagement principles the Dudley Health and Wellbeing Board Development Group be requested to develop plans, which support the Board to undertake responsibilities in relation to engagement and involvement and address the issues raised by Board Members highlighted in the Appendix to the report submitted.

32. UPDATE ON HEALTHWATCH DUDLEY PROGRESS AND ACTIVITY IN RELATION TO INTELLIGENCE GATHERING AND PUBLIC ENGAGEMENT

A report of the Chief Officer of Healthwatch Dudley was submitted updating the Board on Healthwatch Dudley progress.

The Chair of Healthwatch Dudley, Pam Bradbury, was in attendance at the meeting and commented on the content of the report and on proposed topics for further consideration so that Health Watch Dudley became more proactive as opposed to the reactive work that had been undertaken.

The Healthwatch team were congratulated on the work done with particular reference to the report referred to in the previous Agenda item.

RESOLVED

That the information contained in the report, and reported at the meeting on the work being progressed by Healthwatch Dudley, be noted.

33. UPDATE AND PRESENTATION ON STROKE RECONFIGURATION PROGRAMME

A report was submitted on an overview of the Birmingham, Solihull and Black Country Stroke Reconfiguration Programme whose aims were to draw together work undertaken to date by the Midlands and East Stroke Review and to understand if there was a need to reconfigure local Stroke Services to deliver improved patient outcomes. Attached as Appendices to the report submitted were details on Stroke Services specifications; Stroke Services Reconfiguration Programme Brief Birmingham, Solihull and Black Country, January, 2014 and the terms of reference for the Stroke Programme Board.

Nighat Hussain, Stroke Programme Lead, was in attendance at the meeting and circulated copies of a presentation entitled Reviewing Stroke Services for a Healthier Future. A copy of the presentation was available on the Council's Committee Management Information System.

In her commentary on the presentation she indicated that the review related to a possible reconfiguration of hyper-acute stroke units dealing with the first 72 hours after a stroke with other services still being provided in local Hospitals after that period. If current consultations were approved there would be six such units in the West Midlands. However, no decisions had been made and the review was looking at whether there was a need to change.

Arising from the presentation given Board Members queried the engagement of Adult Social Care and Healthwatch Dudley with the work to be carried on.

In response the involvement of Adult Social Care was acknowledged together with involvement in task and finish groups and a request was made for the Programme Board to consider how to involve Adult Social Care at a much earlier stage in the development.

Regarding the involvement of Healthwatch Dudley and other Health Watch's it was reported that further consultations with these Bodies would be welcomed either jointly through meetings with Healthwatch Chairs or on a one to one basis.

RESOLVED

- (1) That the programme scope and approach including governance arrangements be noted and endorsed.
- (2) That it be noted that the Board's primary point of contact were their local commissioners supported by Sandwell and West Birmingham Clinical Commissioning Group; and
- (3) That if consultation was required this would be determined in September, 2014, the proposals being the subject of a period of formal consultation.

34. BETTER CARE FUND DUDLEY

A copy of a presentation in respect of Better Care Fund Dudley was circulated at the meeting; a copy of the presentation was available on the Council's Committee Management Information System.

A commentary on the content of the presentation was given by the Director of Adult, Community and Housing Services and Paul Maubach, Chief Accountable Officer, Dudley Clinical Commissioning Group. It was noted that the information contained in the presentation would form the basis of the initial plan to be submitted to NHS England by 14th February, 2014 with the final plan to be submitted to the meeting of this Board to be held on 26th March, 2014. The final submission would then be made to NHS England by 4th April, 2014.

The model outlined in the presentation involving Prevention Hubs and GP's and multi-disciplinary teams was considered to be an exciting opportunity with the aim of brining about a transformation in the ways in which services were provided and in methods of working the approach was therefore innovative. Whilst the approach was based on national criteria it was also focused on what was considered would work best in Dudley.

The focus of the fund would be in relation to older people with frailties and how to bring the services together with the aim of limiting hospital admissions where alternatives might have been possible. The model was therefore multi-layered and services available would be wide ranging. The prevention hubs would provide a single point of contact again with the overall aim of reducing pressure and lengthy stays in Hospital and ensuring the elderly were in sustainable environments. The aim was to reduce emergency admissions by 15% and all unplanned admissions would be seen as a failure.

GP's had a pivotal role to play in the development of the model.

As regards the funding aspects of the proposal the only new monies were £1.57 million additional Section 256 funding (NHS England). The transfer of funding from the CCG will need to support a 15% reduction in emergency admissions. It was noted, overall, that the funding arrangements were very challenging and would also involve the need to deliver efficiencies from within the fund of £4 million. The net total fund was indicated to be £23.84 million .

The aims and ambitions of the Better Care Fund were therefore a sizable challenge the overall object being to enable people to stay longer in their own homes. A further significant financial aspect of the fund was the need to demonstrate that proposals could be delivered next year in 2015/16 without additional resources.

As regards the next steps following the submission of the final plan to NHS England on 4th April, 2014 shadow arrangements would be established from April, 2014 and Clinical Commissioning Group investment in key initiatives to support the fund would also apply from that date.

Arising from consideration of the presentation Councillor Branwood wished to place on record thanks to the Director of Adult, Community and Housing Services and the Chief Accountable Officer – Dudley Clinical Commissioning Group and their colleagues for their work that had been done to date in preparing the approach in respect of the Better Care Fund Dudley.

Comments were also made in relation to whether the reduction in emergency admissions by 15% was achievable and the need for the model to include systemic long term condition management. In response it was recognised that admission rates were lower than elsewhere in Dudley so delivering the reduction was a significant challenge.

Arising from a query regarding the preparedness of staff to meet the new and challenging environment envisaged by the introduction of the Better Care Fund arrangements it was reported that resources were available for staff development and meeting the challenges ahead including the cultural changes. It was also noted that the Voluntary Sector were key partners in the arrangements and reference was also made to the importance of the Ambulance Service in the arrangements, that service being a key part of the team.

At the conclusion of this item the Chair congratulated all those involved in developing the approach and cited the work done as a good example of working together.

RESOLVED

That the approach outlined in the presentation given and circulated at the meeting in relation to Better Care Fund Dudley be agreed and that a further detailed report be submitted to the meeting of this Board to be held on 26th March, 2014.

35. CHARTERS

It was reported that the Board had signed up to:

- (i) The Disabled Children's Charter for Health and Wellbeing Boards; and
- (ii) The Children and Young People's Better Health Pledge

and that the Council had signed up to

- (iii) The Local Government Declaration on Tobacco Control.

Copies of the Charters concerned had been circulated to Members of the Board. As regards the Local Government Declaration on Tobacco Control it was noted that this Council had been the first Black Country Borough to sign up to the Declaration.

RESOLVED

That the information circulated and reported on in respect of the Charters referred to be noted.

The meeting ended at 5.35 pm

CHAIR

DHWB/23

MEETING OF THE CABINET

Wednesday, 5th December, 2013 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

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

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

Conservative Group - Councillors Harley, James, Kettle, Miller, Vickers
and Wright

OFFICERS:-

The Chief Executive, the Director and Interim Director of Children's
Services, the Director of Corporate Resources, the Director of the Urban
Environment, the Director of Public Health, the Treasurer, the Assistant
Director of Corporate Resources (Human Resources and Organisational
Development), the Interim Assistant Director for Adult Social Care and
the Assistant Principal Officer (Democratic Services) – Richard Sanders.

45 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of
Councillors Lowe and Mrs Simms.

46 CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

It was reported that Councillor Miller was serving in place of Councillor
Mrs Simms for this meeting of the Cabinet only. It was also reported that
Councillor Kettle was serving for this meeting in place of Councillor K
Turner, further to the resignation of the latter from the Conservative
Group.

47 DECLARATIONS OF INTEREST

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

48

MINUTES

RESOLVED

That the minutes of the meeting of the Cabinet held on 30th October, 2013, be approved as a correct record and signed.

49

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.

RESOLVED

- (1) That the Council be recommended that current progress with the 2013/14 Capital Programme as set out in Appendices A and B to the report submitted to the meeting be noted.
- (2) That the results of the Post Completion Review of capital projects, as set out in Appendix C to the report submitted to the meeting, be noted.

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

50

REVIEW OF BUSINESS RATES DISCRETIONARY RATE RELIEF POLICY

A report of the Director of Corporate Resources was submitted updating Cabinet on the outcomes of a review of the Council's Business Rates Discretionary Rate Relief policy and containing associated proposals.

RESOLVED

That the proposals contained in paragraph 8 of the report submitted to the meeting be approved, as follows:

- (1) That no changes to the eligibility criteria and amount of relief awarded via the current policy be made, meaning that charities will continue to pay no rates and other eligible organisations will retain their current rate reductions.
 - (2) That entitlements be awarded for one financial year at a time, rather than indefinitely, as is the case at present.
-

CORPORATE QUARTERLY PERFORMANCE MANAGEMENT REPORT

A report of the Chief Executive was submitted on corporate performance for the period 1st July to 30th September, 2013. The Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee had considered the report on 20th November, 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.
-

BLACK COUNTRY CITY DEAL

A report of the Chief Executive was submitted seeking Cabinet approval for the Council to become a joint signatory to the Black Country City Deal document. The key themes which formed the basis of the City Deal proposal were set out in paragraph 6 of the report now submitted.

The report indicated that the four Black Country authorities were being asked to sign up to the principle of the Black Country City Deal Programme as referred to in the report.

RESOLVED

- (1) That the Leader of the Council be authorised to sign the Black Country City Deal document.
 - (2) That a further report be submitted to the Cabinet detailing any proposed financial commitments by the Council arising from negotiations in relation to specific elements of the City Deal process.
-

DUDLEY GRID FOR LEARNING 3 – PROJECT MID POINT REVIEW

A report of the Director of Children's Services was submitted setting out the current position regarding the Dudley Grid for Learning 3 project and containing proposals for actions arising from a need to review the project further to the cessation of Private Finance Initiative funding and feedback from schools concerning their desire for flexibility in the service received, in order to meet their individual needs.

RESOLVED

That the current position with the Dudley Grid for Learning (DGfL) project be noted and that the actions below be approved:

- (1) That consultation commence to inform the new flexible provisions to be made available for the second five years of the existing contract;
- (2) That the local authority client team work closely with RM PLC to define the new offer and ensure appropriate contract Key Performance Indicators properly support its delivery;
- (3) That to maintain oversight during this period of change the DGfL3 Executive Steering Board be re-convened in April 2014 to ensure senior leaders within the local authority have knowledge of and opportunity to feed into these developments and that the existing DGfL3 Steering Board continue to be the vehicle through which school consultation and dialogue will be obtained.
- (4) That, in response to the schools budgetary timetable, the new offer be presented to schools in Autumn 2014 in preparation for delivery from 1st February 2016.

54

ISSUES ARISING FROM SCRUTINY COMMITTEES

No issues were reported under this item.

55

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 specified 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 Issues – Children’s Services

1

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STAFFING ISSUES – CHILDREN’S SERVICES

A report of the Director of Children's Services containing proposals for the termination of the contracts of employment of certain staff on the grounds of redundancy. An updated report with a revised appendix had been circulated in advance of the meeting.

RESOLVED

That the termination of the contracts of employment of the employees referred to in the revised appendix to the report submitted to the meeting be approved, on the grounds of redundancy, in accordance with the terms and conditions set out in the report and appendix.

The meeting ended at 6.10 p.m.

LEADER OF THE COUNCIL

DELEGATED DECISION SUMMARIES

(Copies of Decision Sheets on the new decisions database can be accessed by logging on to

<http://online.dudley.gov.uk/dudco/decision/decisions.asp>)

1.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Khurshid Ahmed
Authorised By Cllr Khurshid Ahmed, Cabinet Member for Transport
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected Brierley Hill
Date of Decision 29 November 2013

Reference DUE/49/2013

Local Safety Schemes 2013/14 – Moor Street, Brierely Hill

1.1 That the Moor Street, Brierley Hill Local Safety Scheme be implemented as set out in the report.

2.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Khurshid Ahmed
Authorised By Cllr Khurshid Ahmed, Cabinet Member for Transport
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected Norton
Date of Decision 29 November 2013

Reference DUE/50/2013

Local Safety Schemes 2013/14 – (A451) Norton Road, Stourbridge

1.1 That the Norton Road, Stourbridge Local Safety Scheme be implemented as set out in the report.

3.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Khurshid Ahmed
Authorised By Cllr Khurshid Ahmed, Cabinet Member for Transport
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected Kingswinford North & WallHeath
Date of Decision 24 January 2014

Reference DUE/02/2014

Safer Routes to School 2013/14 – Maidensbridge Primary School, Maidensbridge Road, Wall Heath

1.1 That having considered the objections, the Borough Council of Dudley (Maidensbridge Road and Victoria Street, Wall Heath) (No.6 Order Type) (North Dudley Area) (Restriction of Waiting) Order 2014, be made in the amended form shown on drawing HT 3648A revision no. 1 attached as Appendix A.

4.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Khurshid Ahmed
Authorised By Cllr Khurshid Ahmed, Cabinet Member for Transport
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected Upper Gornal & Woodsetton
Date of Decision 24 January 2014 **Reference** DUE/03/2014

Allocation of new road name off Moden Close, Upper Gornal

1.1 That the road identified on plan no. T&T/D/RN/192 be named 'Stone Mill Walk'.

5.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Councillor Tim Crumpton
Authorised By Councillor Tim Crumpton, Children's Services and Lifelong Learning
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected Halesowen North
Halesowen South
Date of Decision 04 December 2013 **Reference** DCS/46/2013

New Instruments of Government for Halesbury Special School

To approve the sealing of a new Instrument of Government for Halesbury Special Schools to increase their number from 9 to 12.

6.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Councillor Tim Crumpton
Authorised By Councillor Tim Crumpton, Children's Services and Lifelong Learning
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected Norton
Lye and Stourbridge North
Pedmore & Stourbridge East
Wollaston & Stourbridge
Town
Date of Decision 04 December 2013 **Reference** DCS/47/2013

New Instrument of Government for Ridge Primary School

To approve the sealing of a new Instrument of Government for Ridge Primary School

7.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Councillor Tim Crumpton
Authorised By Councillor Tim Crumpton, Children's Services and Lifelong Learning
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected Castle & Priory
St James's
St Thomas's
Date of Decision 04 December 2013 **Reference** DCS/48/2013

New Instrument of Government for Jesson's Church of England Primary School

To approve the sealing of a new Instrument of Government for Jesson's Church of England Primary School

8.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Councillor Tim Crumpton
Authorised By Councillor Tim Crumpton, Children's Services and Lifelong Learning
In Consultation With Jane Porter, Director of Children's Services
Ward(s) Affected All
Date of Decision 04 December 2013 **Reference** DCS/49/2013

Outcomes of Schools Funding Reforms Formula Funding Consultation for Dudley Mainstream Schools.

To confirm the Director of Children's Services decisions following the outcomes in respect of the 2014/15 Consultation on Dudley's School Funding Reforms: Funding Arrangements and Changes for 2014/15 that ended on the 11 October 2013.

9.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Councillor Tim Crumpton
Authorised By Councillor Tim Crumpton, Children's Services and Lifelong Learning
In Consultation With Pauline Sharratt, Interim Director of Children's Services
Ward(s) Affected All
Date of Decision 27 January 2014 **Reference** DCS/01/2014

Catering and Client Services Price Increases 2014 Other catering provisions –Saltwells EDC and Himley Hall

To increase the prices by up to 4% as from the 1 April 2014.

10.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Tim Crumpton
Authorised By Councillor Tim Crumpton, Children's Services and Lifelong Learning
In Consultation With Pauline Sharratt, Interim Director of Children's Services
Ward(s) Affected All
Date of Decision 27 January 2014 **Reference** DCS/03/2014

Price Increase Room Charges at Saltwells EDC - 2014

To increase the charges made to clients for the use of Saltwells conference rooms with effect from 1 April 2014.

11.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Tim Crumpton
Authorised By Councillor Tim Crumpton, Children's Services and Lifelong Learning
In Consultation With Pauline Sharratt, Interim Director of Children's Services
Ward(s) Affected All
Date of Decision 27 January 2014 **Reference** DCS/02/2014

Increase in fees for Astley Burf Outdoor Adventure Centre

To increase fees paid by young people of Dudley attending Astley Burf Outdoor Adventure Centre with effect from September 2014. This will increase the fees paid for a one week (Monday to Friday) visit from £103.00 to £105.00, four day visit from £83 to £85 and a weekend visit will increase from £53.00 to £54.00.

Activities organised and provided by ourselves are available to schools at a cost of £270 per school per visit. Activities include team building challenges, archery, a climbing wall and low ropes. Schools also have the option to organise their own activities.

Individual charges are applied to external bookings.

12.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Peter Lowe
Authorised By Councillor Peter Lowe, Deputy Leader and Cabinet Member for Finance
In Consultation With Iain Newman, Treasurer
Ward(s) Affected All
Date of Decision 05 December 2013 **Reference** DCR/40/2013

Approval to waive Standing Order 25 & 26 to award a contract for the processing of Benefits Service's backlog in change of circumstances work

To waive Standing Orders 25 & 26 to award a contract with Northgate Public Services for work backlog processing based on the most competitive price of three supplier quotations.

13.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 22 November 2013 **Reference** HOPSS/71/2013

Contract conversion of existing casual support staff for Town Halls

To change the existing casual curators contracts to zero hours contracts in order to increase the level of support they can offer the service.

14.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 02 December 2013 **Reference** HOPSS/72/2013

The re-designation of existing Housing staff posts into a new role and function to reduce overall management costs.

To delete 1x Deputy District Repairs Manager post and re-designate 2x Deputy District Repairs Manager posts as District Repairs Manager posts. To assimilate 2 of 3 existing post holders into the new District Repairs Manager posts and attempt to redeploy the 3rd post holder.

15.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 02 December 2013 **Reference** HOPSS/73/2013

To create an additional customer service advisor post at Dudley Council Plus to “backfill” the advisor FTE which is now covering the reception at 4 Ednam Road

To increase the establishment of customer service advisors at Dudley Council Plus to cater for the 1 advisor FTE now permanently working from 4 Ednam Road reception following a successful trial of Dudley Council Plus undertaking this duty.

Funding for this additional post has been identified from the “corporate landlord” budget as the advisor post at 4 Ednam Road is providing a corporate reception function.

16.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Gaye Partridge**Authorised By** Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 02 December 2013**Reference** HOPSS/74/2013**The provision of a joint Home Library Service with Wolverhampton City Council – appointment of half post.**

1.1 Agreement for the provision of a joint Home Library Service delivered by Dudley Metropolitan Borough Council (DMBC) and Wolverhampton City Council (WCC) residents who meet the agreed criteria. This involves the recruitment by DMBC of half a post of library assistant, funded by WCC.

17.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Gaye Partridge**Authorised By** Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 05 December 2013**Reference** HOPSS/76/2013**Creation of a permanent LSCB Business Manager**

To create a new post of the LSCB Local Safeguarding Childrens Board Business Manager working 18.5 hours.

18.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Gaye Partridge**Authorised By** Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 05 December 2013**Reference** HOPSS/75/2013**Gas Services Officer Post**

To approve a new Gas Services Officer post in Housing Services (Technical Section)

19.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Gaye Partridge**Authorised By** Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 13 December 2013**Reference** HOPSS/77/2013**Recruitment of 1x Temporary Employment Lawyer and 1x Temporary Legal Assistant to 31/03/2015**

To agree to the appointment of :-

1 x Temporary Employment Lawyer [Grade 11, SCP 42-45 (£35,430- £38,042)] 37 hours per week until 31st March 2015 to support existing team members by undertaking the full range of employment law work.

1 x Temporary Legal Assistant – Employment [Grade 7, SCP 26-29 (£22,221-£24,646)] 37 hours per week until 31st March 2015 to support team members with their workloads

20.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Gaye Partridge**Authorised By** Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 13 December 2013**Reference** HOPSS/78/2013**Recruitment of a Temporary Solicitor / Barrister to 31/03/2014**

To agree to the appointment of a Temporary Solicitor/Barrister (Child Protection) [Grade 11, SCP 42-45 (£35,430- £38,042)] 37 hours per week to 31st March 2014 during the implementation period for the new Public Law Outline.

21.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Gaye Partridge**Authorised By** Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 13 December 2013**Reference** HOPSS/79/2013**Recruitment of a Temporary Legal Assistant to 31/03/2014**

To agree to the appointment of a Temporary Legal Assistant (Child Protection) [Grade 7, SCP 26-29 (£22,221- £24,646)] 37 hours per week to 31st March 2014 during the implementation period for the new Public Law Outline.

22.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 31 December 2013 **Reference** HOPSS/80/2013

Recruitment of Temporary 1x Fixed Term Prosecutions Solicitor/Senior Solicitor to 31/10/2014

To agree to the appointment of :-
1 x Fixed Term Solicitor/Senior Solicitor [Grade 11, SCP 42-45 (£35,784- £38,422)] 37 hours per week until 31 October 2014 to support existing team members by undertaking the full range of prosecutions law work.

23.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 31 December 2013 **Reference** HOPSS/81/2013

Create and recruit post of Assistant Team Manager Anti Social Behaviour Team

To create and recruit to the post of Assistant Team Manager (ASB).

24.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 31 December 2013 **Reference** HOPSS/82/2013

Race and Equality Communication Service Restructure resulting in reduced post and financial savings.

To approve the restructure of the Race and Equality Communication Service (RECS) team as agreed by Councillor Waltho. In summary this is the deletion of 5 Development Officer Posts, replacing these with 4 new Community Engagement Strategy Officer posts, ringfencing the new posts to the existing Development Officers. Assimilation to the new posts will be considered as a possibility. As a result of the review 1.5 FTE administrative posts will be deleted.

25.**Delegated Decision Summary****Exempt**

Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 10 January 2014 **Reference** HOPSS/01/2014

Review of staffing resources to meet budget savings - Democratic Services

To approve the restructuring of the Democratic Services Team to achieve required revenue budget savings of £27,000 in 2014/15 and also involving the removal of an Assistant Democratic Services Officer post and its replacement with a Democratic Services Officer post to meet ongoing service requirements.

26.**Delegated Decision Summary****Exempt**

Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Philip Tart, Director of Corporate Resources
Ward(s) Affected Netherton, Woodside & St.Andr
Date of Decision 17 January 2014 **Reference** DCR/01/2014

Appropriation of land at Griffin Street, Netherton

That land at Griffin Street, Netherton, be appropriated from the purposes of the Housing Act 1980 to the purposes of the Education Act 1996.

27.**Delegated Decision Summary****Exempt**

Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 17 January 2014 **Reference** HOPSS/02/2014

Appointment of Temporary Principal Single Status Project Officer CE125

To approve the appointment of a Principal Single Status Project Officer for a temporary period until 30th September 2015.

28.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 24 January 2014 **Reference** HOPSS/03/2014

Create Temporary Information Systems Technical Officer funded by HRA for 2 years

To authorize the establishment of a new post of Information Systems Technical Officer in the Information Systems unit of ICT Services Section, part of the Treasurer's division. This will be a fixed-term post for 2 years, funded by the HRA.

29.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 24 January 2014 **Reference** HOPSS/04/2014

Restructure of management for Russell Court and Tiled House to achieve savings

To combine the overall management responsibility of Russell Court and Tiled House. As the homes are both parts of the same reablement / intermediate care service. It is proposed to operate with 1 x Registered Manager across both units and upgrading 1 x senior post in each establishment to be the lead officer.

30.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 03 February 2014 **Reference** HOPSS/05/2014

Establishment of a fixed-term Child Health Records Administrator Manager/Information Officer post. Funded by Public Health budget

To request the approval of a new post (period - 1 year fixed term) of Child Health Records Administrator Manager/Information Officer

31.**Delegated Decision Summary**

Exempt	
Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Decision Made By Councillor David Sparks**Authorised By** Councillor David Sparks, Cabinet Member for Policy and Leader of the
John Millar, Director of the Urban Environment**In Consultation With** Philip Tart, Director of Corporate Resources**Ward(s) Affected** All**Date of Decision** 02 December 2013**Reference** DCR/39/2013**Amendment to Scheme of Delegation**

That the scheme of delegation, as set out in Part 3 of the Council's Constitution, be amended to update the delegations relating to the Road Traffic Regulation Act 1984, the Traffic Management Act 2004, the Scrap Metal Dealers Act 2013 and associated functions.

That the Director of Corporate Resources be authorised to make any necessary amendments to the delegated functions relating to the Scrap Metal Dealers Act 2013 in the light of guidance received from the Home Office.

32.**Delegated Decision Summary**

Exempt	
Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Decision Made By Philip Tart**Authorised By** Philip Tart, Director of Corporate Resources**In Consultation With** Councillor Peter Lowe, Deputy Leader and Cabinet Member for Finance**Ward(s) Affected** All**Date of Decision** 29 November 2013**Reference** DCR/38/2013**The Exercise of Delegated Authority by the Director of Corporate Resources in relation to: The acceptance of a Tender following a Competitive Tendering Exercise.**

That following a joint tender exercise led by Wolverhampton City Council (on behalf of themselves, Dudley MBC, Sandwell MBC and South Staffordshire DC), to award a contract for the provision of bailiff services for council tax and business rates.

33.**Delegated Decision Summary**

Exempt	
Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Decision Made By Philip Tart**Authorised By** Philip Tart, Director of Corporate Resources**In Consultation With** Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal and**Ward(s) Affected** All**Date of Decision** 29 January 2014**Reference** HOPSS/06/2014**Approval of the flexible retirement for GMK, Principal Property Manager in the Management and Valuation Team, to be effective from 1 April 2014.**

To seek approval for the flexible retirement of Miss GMK aged 58 in the Directorate of Corporate Resources, effective from 1 April 2014.

34.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Stuart Turner
Authorised By Councillor Stuart Turner, Cabinet Member for Health and Wellbeing
In Consultation With John Polychronakis, Chief Executive
Ward(s) Affected All
Date of Decision 02 December 2013 **Reference** CE/09/2013

Procurement of Adult and Young People Substance Misuse Service

Following a robust tendering process in respect of substance misuse services:-
Award the contract for Adult Integrated Substance Misuse Service to: CRI
Award Contract for Substance Misuse Clinical Interventions Contract to: CRI
Award Contract for Young Persons Specialist Substance Misuse Service to: Cranstoun

35.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Stuart Turner
Authorised By Councillor Stuart Turner, Cabinet Member for Health and Wellbeing
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected All
Date of Decision 30 December 2013 **Reference** DUE/52/2013

Fees and Charges - Leisure Centres, Culture and Leisure Services 1 January 2014 - 31 December 2014

That the scale of charges attached as appendices be approved.

That the Assistant Director for Culture and Leisure Services be authorised to allow variations to the approved list of fees and charges to cover incidents of reduced service levels, sales promotions, social inclusion programmes and charitable events.

In addition to the core fees and charges in each of the service areas the additional subsidiary fees and charges for goods for resale, equipment hire, course and activity programmes and events, specialist services, concessions and sundry items are set locally by managers and approved by the Assistant Director for Culture and Leisure.

36.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Steve Waltho
Authorised By Councillor Steve Waltho, Cabinet Member for Housing and Community
In Consultation With Andrea Pope-Smith, Director of Adult, Community and Housing Services
Ward(s) Affected All
Date of Decision 20 December 2013 **Reference** DACHS/012/2013

Housing Assistance Scheme - Empty Property Grant

To agree to demand a lesser amount of £1,560.15 from the owner of 11 The Crescent, Dudley, being one fifth of the grant repayment due following non compliance with the grant conditions, as opposed to the full amount of £7,800.75.

37.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Councillor Tracy Wood
Authorised By Councillor Tracy Wood, Cabinet Member for Environment and Culture
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected All
Date of Decision 23 December 2013 **Reference** DUE/51/2013

Fees and Charges - Culture and Leisure Services 1 January 2014 - 31 December 2014

That the scale of charges attached as appendices be approved.

That the Assistant Director for Culture and Leisure Services be authorised to allow variations to the approved list of fees and charges to cover incidents of reduced service levels, sales promotions, social inclusion programmes and charitable events.

In addition to the core fees and charges in each of the service areas the additional subsidiary fees and charges for goods for resale, equipment hire, course and activity programmes, concerts and events, specialist services, concessions and sundry items are set locally by managers and approved by the Assistant Director for Culture and Leisure.

38.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Councillor Tracy Wood
Authorised By Councillor Tracy Wood, Cabinet Member for Environment and Culture
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected All
Date of Decision 03 January 2014 **Reference** DUE/01/2014

MANAGEMENT OF CYCLING IN PARKS AND PUBLIC OPEN SPACES

To roll out the decision outlined in Decision Sheet Ref: DUE/14/2011 - Management of Cycling in the Healthy Hub Parks, to permit cycling within all parks and Council managed public open space whilst actively promoting a code of conduct to encourage considerate cycling, where currently bye-laws preclude such cycling.