

## **CHILDREN'S SERVICES SCRUTINY COMMITTEE**

Thursday, 13<sup>th</sup> September, 2012 at 6.00pm  
in Committee Room 2 at the Council House, Dudley

### **PRESENT:-**

Councillor S Turner (Chair)  
Councillor Boleyn (Vice-Chair)  
Councillors Arshad, Attwood, Mrs Billingham, Bills, J Jones, Marrey,  
Mrs Simms and Mrs Walker; Mr Bruton, Mrs Coulter, Mr Songole, Mr Taylor,  
Mrs Verdegem and Reverend Wickens.

### **OFFICERS**

Assistant Director of Adult, Community and Housing Services (Health Reform Programme Lead) – Lead Officer to the Committee; Director of Children's Services, Assistant Directors of Children's Services (Children and Families) and (Quality and Partnership), Divisional Manager and Service Manager (Children's Specialist Services/Children's Resources), Divisional Manager (Children's Disability Team), Education Improvement Advisor, School Development Advisor, Lead Consultant for Elective Home Education/Gypsy Roma Traveller (School Improvement Team) and the Democratic Services Manager.

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11      **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Casey and Crumpton, Mr Ridney and Mrs Ward.

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12      **DECLARATIONS OF INTEREST**

Councillor Mrs Simms declared a non-pecuniary interest in Minute No. 16 in view of her employment with Barnardos.

Councillor Mrs Walker declared a non-pecuniary interest in Minute No. 15 as a member of the Adoption Panel.

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13      **MINUTES**

### **RESOLVED**

That, subject to the inclusion of Mr M Lynch in the list of those present and Mr S Taylor in the list of apologies for absence, the minutes of the meeting held on 21<sup>st</sup> June, 2012 be approved as a correct record and signed.

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ELECTIVE HOME EDUCATION REPORT FOR THE ACADEMIC YEAR 2011/12

The Committee received a report of the Director of Children's Services on the work undertaken in relation to Elective Home Education (EHE) for the academic year 2011/12. The report set out information on parental and local authority responsibilities and statistical information regarding children on the EHE register/database. The report included details of the work of the Children's Services Directorate, in collaboration with other directorates and agencies, and the local authority support given to Elective Home Education children.

The Committee recognised the importance of this service and the support structures to promote safeguarding and the welfare of children. It was noted that whilst education was compulsory, schooling was not. The local authority had no legal right of access to individual homes regarding educational provision and working conditions.

Specific reference was made to funding that could be obtained to support children with Special Educational Needs (SEN) who required access to the services of speech and language therapists at home.

The Committee analysed the reasons given by parents for electing to educate their children at home. Concern was expressed regarding the requirements of the Education and Inspection Act 1996 which placed duties on the Council to make arrangements to identify children not receiving a suitable education, however, parents were not required to register a child as being home educated unless they left a school's roll. The Director of Children's Services reported on all reasonable efforts made by the Council to track children in early years provision and schools were specifically required to notify the local authority if a child was taken out of school.

The Committee commended the work of the Team and stressed the ongoing importance of this work to maintain the Council's safeguarding priorities in the context of the overall financial position. The Committee also stressed the importance of monitoring trends and developments in future years.

The Director of Children's Services also emphasised the considerable activity undertaken by the Directorate in working with schools and parents to tackle allegations of bullying both generally and on a case-by-case basis.

Officers gave additional information concerning Fair Access Protocols, which were the subject of ongoing discussions with schools to minimise any delays in children receiving education that suited their needs.

Reference was made to cases where a child was withdrawn from a school and the length of time the place was kept open before being reallocated to another pupil. Whilst concern was expressed that 20 days may be too short in some cases, officers emphasised the importance of first visits being undertaken as soon as possible.

The Committee also discussed the financial implications when a child was withdrawn from a school if the parents elected for home education. In particular it was noted that, in line with national requirements, a school would retain funding for SEN pupils. The school would, however, work with the local authority to provide any necessary outreach support to an individual child.

#### RESOLVED

- (1) That the report be noted and the work of the Team in connection with Elective Home Education be commended.
- (2) That the comments of the Committee, as set out above, be reported to the Cabinet Member for Integrated Children's Services.
- (3) That the officers concerned be thanked for their attendance at the meeting and responses to questions from the Committee.

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15      ANNUAL REPORT OF THE DUDLEY LOCAL AUTHORITY ADOPTION SERVICE 2011/12

The Committee received the annual report of the Dudley local authority Adoption Service for 2011/12. The annual report included details on the range of services provided by the Team together with performance and activity levels and service developments for the year.

The report referred to national changes including the response to the Government action plan to reform the adoption system. New statutory guidance and Regulations had been issued with effect from 1<sup>st</sup> September, 2012. The primary change was that the Adoption Panel would no longer be involved in the agencies process of deciding whether a child should be placed for adoption when the court was involved in the decision. The Adoption Panel would still be required to consider places and make recommendations where the child's parents consented for the child to be placed for adoption. Where the child's parents were not prepared to consent, where proceedings were ongoing or where the child had no parents, the case must be directed to the agency decision maker. In Dudley, this was the Assistant Director of Children's Services (Children and Families).

The Committee undertook a detailed discussion on the annual report. Reference was made to the options considered before the adoption route was pursued, including opportunities for the birth family and the extended family in individual cases. In all cases, however, the Committee recognised that the child's best interests were of paramount importance.

In relation to staffing levels, the Committee noted that the Senior Practitioner was supported by experienced staff. Concern was expressed that the Adoption Service was working at or beyond capacity. The potential risks of delays in undertaking assessments were mitigated by officers prioritising workloads as necessary. The breakdown rate for adoption placements had been zero over the past three years. The importance of maintaining and monitoring performance information and trends was also acknowledged.

The Committee commended the work of the Adoption Service and the Adoption Panel, particularly in the context of the challenging circumstances and difficulties encountered in this sensitive area of work.

#### RESOLVED

- (1) That the annual report of the Adoption Service for 2011/12 be received and noted.
- (2) That the comments of the Committee, as set out above, be reported to the Cabinet Member for Integrated Children's Services.

#### FOSTERING SERVICE ANNUAL REPORT

The Committee received a report of the Director of Children's Services on the Fostering Service in Dudley for 2011/12. The annual report included details of levels of service, placement activity, key achievements and future service developments.

The report covered the legislative framework and the comprehensive range of fostering service provision, in consultation with social work teams, to secure appropriate placements for looked after children. Reference was made to the role played by the Fostering Service in discharging the Council's corporate parenting responsibilities.

The Service also provided 'family finding' for children who required permanent foster placements; recruited, trained and supervised mainstream foster carers and Family and Friends foster carers and facilitated carers support groups and groups for young people in care and birth children of families who provided fostering. The Service also delivered a specialist foster care therapeutic treatment programme known as Flipside.

Information was also submitted on the total funding for the Fostering Service in the 2011/12 financial year.

The Committee referred to the continuing efforts to encourage foster carers to undertake training and development and provide support wherever possible. Members welcomed the statistic that no children or young people had changed educational placement or school because of a foster placement change during the period covered by the report.

It was noted that the Council did not provide a short-term break service as this was offered by Barnardos. A member queried the number of places provided in relation to short term breaks for looked after children. The Director of Children's Services undertook to provide a written response, for circulation to the Committee, to include the number of contracts and the monitoring/review arrangements.

The Committee also noted that the number of looked after children as included in the report (678) was not a static figure and the Council undertook early years intervention support to return children to their birth parents where this was possible and appropriate.

In regard to the statistical information provided, the Director of Children's Services undertook to annotate future reports where a 'not applicable' return might be more relevant than zero, however, this was not a matter for local discretion.

A member referred to the provision of trending information from previous years concerning allegations of misconduct against foster carers. The Director of Children's Services undertook to provide a written response. Reference was also made to potential links to allegations of misconduct and concerns resulting in a referral to the Child Protection Team, including the outcome of such referrals. The Director of Children's Services clarified that there was no direct link between these two separate items, however, this would be clarified in a written response.

The Committee referred to the issue of child trafficking and issues associated with looked after children. It was noted that this was closely monitored through existing systems. Members also noted that incidents of children/young people who went missing primarily related to periods of 24 hours or less. Pre-placement agreements made provision for the authority to be notified without delay should a child be reported as missing.

#### RESOLVED

- (1) That the annual report of the Fostering Service for 2011/12 be received and noted.
- (2) That the comments of the Committee, as set out above, be reported to the Cabinet Member for Integrated Children's Services.
- (3) That the issues of safeguarding and sexual exploitation be included in the future work plan of this Committee.
- (4) That the Private Fostering Report be included on the list of information items for the next meeting of the Committee.

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ACTION PLANS IN RESPONSE TO THE OFSTED INSPECTION OF SAFEGUARDING AND LOOKED AFTER CHILDREN

The Committee considered a report of the Acting Director of Children's Services on the progress of work in connection with the Ofsted inspection of Safeguarding and Looked After Children Services that had taken place in 2011.

The Committee received two action plans to address specific issues in the inspection report relating to:-

- (a) Ensure timely access to emotional and mental health services for women who required additional support prior to and following the birth of their children.
- (b) Develop explicit joint protocols between Children's Services, Health and Adult Social Care to ensure that older young people and those at points of transition received appropriate, timely and continuous services to meet their assessed needs.

In relation to (a) above, it was noted that health representatives were unable to attend this meeting and this action plan would be resubmitted to the next meeting. Members were assured that key positions had been recruited to and the work set out in the document was taking place.

The Committee recorded its concerns that a senior health officer was not in attendance and recommended that these concerns be reported to the Cabinet Member and the Clinical Commissioning Group (CCG) to ensure the correct level of representation at future meetings. The Chair would write to the key individuals concerned to convey the views and concerns of the Committee.

In relation to (b) above, the Committee was informed that the draft protocols had been produced and these continued to be developed in consultation with the relevant agencies.

The Committee received assurances that the work was progressing and the 'red' ratings in the document were moving to 'amber' and 'green'. There was commitment from the various agencies to work together, share information and reduce any potential for duplication.

**RESOLVED**

- (1) That the action plans presented to the meeting be noted and that further action plans and progress information be reported to future meetings of the Scrutiny Committee.
- (2) That the Chair convey the views and concerns of the Committee to the Cabinet Member and the CCG relating to the attendance of senior officers representing health services at this and future meetings of the Scrutiny Committee.

- (3) That in future, officers ensure that the information and timescales in the action plans are updated and include realistic programmed completion dates as far as possible.
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18 'TROUBLED FAMILIES' IN DUDLEY

The Committee received a report of the Director of Children's Services on the Department for Communities and Local Government 'Troubled Families' initiative and its implementation in Dudley. The Lead Officer reminded the meeting of his direct involvement in this project funded by the Department for Communities and Local Government.

The Committee noted the ongoing work on this initiative. Further reports would be submitted in due course to this and other Committees as well as other partnership groups in view of the complex, corporate and multi-agency nature of the project.

The Committee referred to ongoing support for families, the sustainability of the three-year project and capacity issues. Many issues were subject to clarification in the context of reward funding, service/system redesign to generate reinvestment and potential additional sources of income. Most of these issues could not, however, be precisely quantified at this time. It was noted that the success of the project was heavily dependent on support from other agencies, in particular the police and health services.

The Committee welcomed the principles of the project to assist families subject to targeted criteria and focussed objectives and outcomes. The Council had some discretion over the local criteria and it had been proposed to include 'children on the edge of care'. With regard to the criteria for children not in school, it was clarified that this related to children who were on a school roll but did not attend school.

A total of 740 families had been identified for support over the three-year project period, however, it was recognised that some may not co-operate. The grant funding was not ring fenced and could be carried forward from year one into future years.

The Committee recognised the size and complexity of the project and the need to deliver this from within existing staffing resources. Considerable work was already in progress and key workers would be in post as soon as possible. The Committee supported the opportunities to build on the work already undertaken, to redeploy resources in the most effective way and to invest in early intervention.

**RESOLVED**

That the report be noted and a further progress report be submitted to a future meeting of the Committee.

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19      YOUTH OFFENDING SERVICE INSPECTION

The Director of Children's Services reported that the Council had not yet received the Inspector's final report. This item was deferred until the next meeting of the Committee.

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20      QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 AND  
INFORMATION ITEMS

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

In connection with the information items, the Director of Children's Services circulated additional information, including provisional data concerning examination results. Reference was made to celebrating the achievements of Looked After Children and recognising the achievements of the Virtual School, including the Head and his Team. The Chair noted that the information on school examination results and performance statistics would be the subject of a separate report to a future meeting of the Committee.

The Lead Officer drew attention to the draft Joint Health and Wellbeing Strategy and indicated that any additional comments on the document would be welcomed.

At the conclusion of the business, the Chair thanked all those present for their attendance and contributions to the discussions of the Scrutiny Committee. He also congratulated Jane Porter on her recent appointment to the post of Director of Children's Services.

The meeting ended at 8.30 pm

CHAIR



## **AUDIT AND STANDARDS COMMITTEE**

Thursday, 20<sup>th</sup> September, 2012 at 6.00 p.m.  
in Committee Room 3, The Council House, Dudley

### **PRESENT:-**

Councillor Zada (Chair)  
Councillor Arshad (Vice-Chair)  
Councillors Branwood, Burston, Cowell, Hill, Taylor, Tyler and Mrs.  
Westwood.

### **Officers**

Treasurer, Head of Audit Services, Assistant Director, HR and Organisational Development, Audit Manager and Principal Auditors (All Directorate of Corporate Resources); Director of the Urban Environment, Assistant Director Culture and Leisure and Manager of Executive Support Team (All Directorate of the Urban Environment) and Mrs K Taylor (Directorate of Corporate Resources).

### **Also in Attendance**

Mr T Corcoran (District Auditor) and Mr S Turner (Audit Manager) (Audit Commission)

## 12 **DECLARATIONS OF INTEREST**

Councillor Zada declared a non-pecuniary interest, in accordance with the Members' Code of Conduct, in Agenda Item 10 – Financial Regulations, in view of him being a governor at the Northfield Road Primary School.

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## 13 **MINUTES**

### **RESOLVED**

That the minutes of the meeting held on 3<sup>rd</sup> July, 2012 be approved as correct records and signed.

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## 14 **AUDIT COMMISSION AUDIT AND STANDARDS COMMITTEE UPDATE**

A report of the Treasurer was submitted on a report published by the Audit Commission updating Audit and Standards Committee members across Local Government. A copy of the Audit and Standards Committee update was attached as an Appendix to the report submitted.

Mr T Corcoran, the District Auditor, and Mr S Turner, Audit Manager, were in attendance at the meeting and commented in particular on the very good report that had been submitted.

It was noted that the appointment of Grant Thornton UK LLP as the Council's external auditor had been confirmed from 1<sup>st</sup> September, 2012, and that a representative from the company would be attending future meetings of the Committee.

Arising from the presentation of the report and Appendices to the report, submitted the Treasurer responded to questions asked and with regard to queries raised by a member regarding payment by results contracts and the possibility of using social impact bonds to fund the cost of preventative work with children at risk of being taken into care, the Treasurer indicated that he would provide further details in consultation with Children's Services.

#### RESOLVED

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

#### AUDITOR'S ANNUAL GOVERNANCE REPORT 2011/12

A report of the Treasurer was submitted on the auditor's Annual Governance Report 2011/12, together with the formal Management Representation Letter to the Auditor. A copy of the Annual Governance Report was attached as an Appendix to the report submitted.

Mr Tony Corcoran, the District Auditor, was in attendance at the meeting and commented in particular on the very good report that had been submitted. Overall he assessed that the Council had good arrangements in place for Value for Money including arrangements for HRA self-financing, and provided an unqualified audit opinion on the financial statements.

In all it was a smooth audit and the District Auditor expressed his thanks to the Treasurer and all the Officers involved for the work that had been carried out.

Arising from the presentation of the report and Appendices to the report, submitted the Treasurer responded to a question raised by a member regarding the monitoring of the action plan, as indicated in Appendix A of the report submitted, and indicated that a report on the progress made would be submitted to a future meeting of the Committee.

#### RESOLVED

- (1) That the content of the auditor's Annual Governance report 2011/12 be endorsed.

- (2) That approval be given to the Letter of Representation as attached to the report submitted and to the Chair signing and dating the letter so as to give evidence of the approval given.
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16 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 No's 14, 7, 8, 9, 13, and 15.

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17 EXCLUSION OF THE PUBLIC

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 of 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 Paragraph of Part I of Schedule 12A</u>
Annual Audit Report in relation to the Directorate of the Urban Environment	2 and 7

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18 ANNUAL AUDIT REPORT IN RELATION OT THE DIRECTORATE OF THE URBAN ENVIRONMENT

A report of the Treasurer was submitted on the audit work undertaken in the Directorate of the Urban Environment for the financial year 2011/12 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 the Chair considered that overall it was an excellent report and showed steady improvement over the last few years.

Arising from further comments made regarding the possibility of repeating similar breaches, it was suggested that recommendations for improvements should be circulated to the organisation as a whole to combat the potential of repeating mistakes.

RESOLVED

That the findings of the 2011/12 audit work be accepted.

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19

CODE OF CONDUCT FOR EMPLOYEES

A report of the Director of Corporate Resources was submitted on the current position regarding the Code of Conduct for Employees. A copy of the code was attached as an Appendix to the report submitted.

The Assistant Director ,HR and Organisational Development highlighted two discrepancies in the report submitted:

- Page 56 – paragraph 18 – should end with “even when Dudley Council may not have been specifically referred to but may be linked to the comments”.
- Page 59 – paragraph 37 – before the word discipline should read ‘recruitment’.

It was noted that once the Pay and Grading process had been completed, employees would be asked to sign amended contracts of employment, which would also include information in regard to the code of conduct.

Arising from consideration of the report, and Appendices to the report, submitted concerns were raised in relation to paragraph 20 of the code of conduct for employees regarding the use of social networking sites, in particular given the complexity of the issue the paragraph needed to be clear in order for the employee to understand the risks involved.

RESOLVED

- (1) That, subject to amendments to paragraphs 18, 20 and 37, the Council be recommended to adopt the revised Code of Conduct.
- (2) That the Assistant Director, HR and Organisational Development, in consultation with the Chair and Vice-Chair, be requested to agree the wording to paragraph 20 in view of the concerns raised during the meeting.

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STATEMENT OF ACCOUNTS 2011 / 12

A report of the Treasurer was submitted on the Statement of Accounts 2011/12, attached as Appendix 1 to the report submitted, and on the outcome of the Audit of Accounts.

The Treasurer gave a visual presentation at the meeting highlighting the main issues contained in the report submitted.

As part of the presentation he referred in particular to the Movement in Reserves Statement citing the position as at 31<sup>st</sup> March, 2011 and the position as revised at 31<sup>st</sup> March, 2012, indicating an increase in the General Fund Balance from £9.1 to 12.2 million. Other aspects of that Statement were also considered.

Arising from the presentation given, the Treasurer responded to questions asked by the Committee in relation to the budget delegated to schools; the possibility of long term borrowing at lower rates and the possibility of selling unused heritage assets.

#### RESOLVED

That the Statement of Accounts, attached as Appendix 1 to the report submitted, be approved and that the Chair sign and date the Accounts so as to give evidence of the approval given.

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#### TREASURY MANAGEMENT REPORT

A report of the Treasurer was submitted on treasury activity during the financial year 2011/12, and in the current financial year up to August .

Arising from the presentation of the report and Appendices to the report, submitted the Treasurer responded to questions asked by members of the Committee in regard to the amount that the Council would need to produce this financial year in order to service debt and the contingency plans in place should the economy deteriorate further.

#### RESOLVED

That the Council be recommended to note the Treasury Activity outlined in the report submitted.

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#### FINANCIAL REGULATIONS

A report of the Treasurer was submitted proposing amendments to the Council and School's Financial Regulations, a copy of which were attached as Appendix A to the report submitted.

Arising from the presentation of the report and Appendices to the report, submitted, the Head of Audit Services expressed his thanks to the Officers involved for the work that had been carried out.

RESOLVED

That approval to be given to the proposed amendments to Council and School Financial Regulations, as set out in the report and Appendix A of the report submitted.

23 EXCLUSION OF THE PUBLIC

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of 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 Paragraph of Part I of Schedule 12A</u>
Reports required under Standing Orders	2 and 7
Audit Services Interim Performance Report	2 and 7

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24 REPORTS REQUIRED UNDER STANDING ORDERS

A report of the Treasurer was submitted on cases arising under Standing Order 3.2 during the period January to June, 2012, requiring a report to this Committee.

RESOLVED

That the information contained in the report submitted be noted.

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25 AUDIT SERVICES INTERIM PERFORMANCE REPORT

A report of the Treasurer was submitted on an update on Audit Services performance and other related information.

Arising from the presentation of the report and Appendices to the report, submitted, the Head of Audit Services circulated a National Fraud Initiative briefing note for information, and stated that the reason for achieving a lower performance rate for completing the audit plan was due to staff absences in the department.

Arising from the content of the report, Members raised concerns in relation to the poor performance against the target of finalising audit reports within six weeks of the draft report being issued. It was suggested that the target should be set at 80%, and that should reports arrive later than the target time the relevant manager should attend the Committee to explain the reasons for the delay.

#### RESOLVED

- (1) That the information contained in the report, and Appendix A to the report, submitted be noted.
- (2) That the Head of Audit Services be requested to write a letter to all Directors informing them of the target set; previous performance figures and that failure to submit the reports by the target date may result in a request that the relevant manager attend the Committee to explain the reasons for the delay.

The meeting ended at 8.10 p.m.

CHAIR

## **DEVELOPMENT CONTROL COMMITTEE**

Monday 17<sup>th</sup> September, 2012 at 6.00 pm  
in Committee Room 2, The Council House, Dudley

### **PRESENT:-**

Councillor Harris (Chair)  
Councillors Casey, Herbert, J Martin, S Turner, Mrs Westwood, C Wilson,  
Wright and Zada

### **OFFICERS:-**

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

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29      **APOLOGY FOR ABSENCE**

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

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30      **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor J Martin had been appointed as a substitute  
member for Councillor Roberts for this meeting only.

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31      **DECLARATION OF INTEREST**

A declaration of a non-pecuniary interest, in accordance with the Members'  
Code of Conduct, was made by Councillor Wright in Planning Application No  
P12/0759 (Edmore House Care Home, Oakham Road, Dudley) in view of  
reference made to the West Midlands Fire Service, as he is a member of the  
West Midlands Fire and Rescue Authority.

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32      **MINUTES**

RESOLVED



That the minutes of the meeting of the Committee held on 28<sup>th</sup> August, 2012, be approved as a correct record and signed, subject to amendments to Minute No 26 to replace the words “Plan No P12/08521” with “Plan No P12/0852” and to Minute no 28 to insert the words “(Having previously declared a non-pecuniary interest in this item Councillor Mrs Westwood left the meeting prior to its consideration and took no part in the discussion or voting)”

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33      SITE VISIT

Consideration was given to the following planning application in respect of which a site visit had been made on Thursday, 13<sup>th</sup> September, 2012, by Members of the Committee.

Plan No P12/0726 – 64 Rounds Road, Coseley – Single Storey Front/Side Extensions (Retrospective)

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Decision:

- (1) That the application be subject of a split decision to part approve and to part refuse, as follows:-

Part A: The retention of the front single storey extension be refused for the reason that the front extension appears as an incongruous feature on the host dwelling and in the street scene due to the poor construction and use of badly matching materials to the detriment of the visual amenities of the locality contrary to saved policy DD4 of the Unitary Development Plan.

Part B: The retention of the rear single storey extension be approved for the reason that the rear extension is screened by a boundary wall from general view in the street scene and therefore has no adverse impact on the amenities of the locality in accordance with saved Policy DD4 of the Unitary Development Plan.

- (2) That enforcement action be authorised for the removal of the front single storey extension for the reason, given above, with the extension to be removed in its entirety and the building reinstated to its former appearance.
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34      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 application:-

Plan No P12/0828 – Councillor Mrs Rogers and Mr Chris Brookes –objectors and Mr John Stanier – an agent/applicant

- (i) Plan No P12/0828 – Oldswinford Cricket Club, Bigmore Playing Fields, Albemarle Road, Stourbridge – Replacement and Realignment of Cricket Nets and Erection of Security Fence Around Nets (Resubmission of Withdrawn Application P12/0450)

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

- (ii) Plan No P12/0759 – Edmore House Care Home, 20 Oakham Road, Dudley – Single Storey Rear Lower Ground Floor Extension (Resubmission of Refused Application P11/1013)

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

- (iii) Plan No P12/0864 – 14/16 Murdoch Drive, Kingswinford – Prune Branches to 1 Lime Tree, Remove 4 Branches from 1 Pine Tree

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

- (iv) Plan No P12/0883 – 207A Spies Lane, Halesowen – Fell 1 Horse Chestnut Tree

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

- (v) Plan No P12/0888 – Brecon View, Holloway Street, Lower Gornal, Dudley – Substitution of House Types on Plots 1-2, 18-28 and 31 to Previously Approved Application P10/1671

Decision: That the application be approved subject to the following:-

- (1) The applicant entering into a Deed of Variation to link the planning permission back to the original Section 106 Agreement dated 7<sup>th</sup> March, 2011 in relation to planning permission P10/1671.
- (2) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April of each subsequent year, in accordance with the Council's planning obligations policies.
- (3) Conditions, numbered 1 to 11 (inclusive), as set out in the report submitted, together with an additional condition, numbered 12, as follows:-

12. No development approved by this permission, including the construction of any building, shall be commenced until a scheme to deal with contamination of land (including ground gases and vapours) has been submitted to and approved by the Local Planning Authority (LPA). Furthermore, no part of the development shall be occupied until the LPA has been satisfied that the agreed scheme has been fully implemented and completed.

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- i) A desk-top study to formulate a conceptual model of the site. The requirements of the LPA shall be fully established before the desk-study is commenced;
- ii) Once the desk study has been approved by the LPA, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the LPA and shall include a risk-based interpretation of any identified contaminants in line with UK guidance;

- iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the LPA prior to commencement of the development. The contamination proposals shall include provisions for validation monitoring and sampling, including a scheme and criteria for both the use of imported materials and reuse of site-won materials, and be retained throughout the lifetime of the development.
- iv) The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written agreement of the LPA.
- v) If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals then the LPA shall be notified immediately and remediation proposals formulated/amended for consideration.
- vi) If during development work, contaminants are found in areas previously expected to be acceptable, then the LPA shall be notified immediately and remediation proposals formulated/amended for consideration.
- vii) A completion report confirming the objectives, methods, results and conclusions and demonstrating that the contamination proposals have been fully implemented and completed shall be submitted to the LPA for approval.

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

- (4) In the event that the Deed of Variation has not been completed by the 9<sup>th</sup> October, 2012, the application be refused, if appropriate.
- (vi) Plan No P12/0980 – 1 Cheltenham Drive, Kingswinford – Fell 1 Cedar Tree

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

- (vii) Plan No P12/1007 – St Andrews House, 21 High Street, Amblecote, Stourbridge – Telecommunications Development for the Conversion of the Existing Roof-Level Telefonica Base Station to a Vodaphone/Telefonica Site-Share, Involving the Replacement of 3 No Antennas, Replacement of 1 No Equipment Cabinet at Ground Level and Ancillary Works

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

- (viii) Plan No P12/0696 – 68 Park Road West, Wollaston, Stourbridge – Single Storey Rear Extension (Retrospective)

It was noted that the application had been withdrawn from consideration at this meeting and would be submitted to the Committee on 9<sup>th</sup> October, 2012.

- (ix) Plan No P12/0871 – 41 Dorchester Road, Pedmore, Stourbridge – Single Storey Side Extension (Resubmission of Refused Application P12/0513)

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

The meeting ended at 7.10 pm.

CHAIR

## LICENSING SUB-COMMITTEE 1

Tuesday, 18<sup>th</sup> September, 2012 at 2.05 pm  
in The Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor Bills (Chair)  
Councillors Blood and Taylor

### Officers

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

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### 30 DECLARATIONS OF INTEREST

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

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### 31 MINUTES

#### RESOLVED

That, the minutes of the meeting held on 11<sup>th</sup> September, 2012 be approved as a correct record and signed.

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### 32 APPLICATION FOR REVIEW OF PREMISES LICENCE – INDULGENCE, WEDGBURY WAY, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted on an application received from West Midlands Police for the review of the premises licence in respect of Indulgence, Wedgbury Way, Brierley Hill.

Mr S Simpson (Premises Licence Holder) was in attendance at the meeting.

Also in attendance were PC A Taylor, Licensing Officer, an observer and a member of the press.

Following introductions, the Chair stated that the meeting had been adjourned from the previous week due to the non-attendance of Mr Simpson.

The Licensing Officer then presented the case on behalf of the Council.

PC Taylor presented the representations of West Midlands Police and in doing so stated that credible intelligence had been received that a well-known gang member, who would routinely be armed with a handgun, would be attending the premises on 30<sup>th</sup> June, 2012.

It was noted that Mr Simpson had refused a request from West Midlands Police for the premises to be voluntarily closed on 30<sup>th</sup> June, 2012, therefore Police Inspector Bostock issued Mr Simpson with a section 161 closure notice.

PC Taylor informed the Sub-Committee that meetings have since taken place with Mr Simpson and several site visits had highlighted a number of areas for concern, such as, the strong smell of cannabis surrounding the dance floor; there was no fire evacuation procedure displayed; no land-line installed; the licence had not been displayed; the door supervisors had not displayed their SIA badges; some exit door signs were not highlighted in bold; the CCTV was not in operation; no free water was available; the toilets were in poor repair and the fire extinguishers had not been updated since 2008.

He further stated that West Midlands Police wished to impose a number of conditions, which had been circulated to all parties prior to the meeting.

Arising from the representations made by PC Taylor, Mr Simpson explained the circumstances surrounding the request to temporarily close the premises on 30<sup>th</sup> June, 2012, and in doing so informed the Sub-Committee that he had previously contacted West Midlands Police who had agreed that Mr Simpson could re-arrange the event to a later date, Mr Simpson re-arranged the event but then received a request to close the premises on the same day as the event. He further commented that he would like to have a good working relationship with the Police.

In response to PC Taylor's comments in relation to the state of repair of the premises, Mr Simpson stated that the only problem was the fire extinguishers which had since been repaired and that the conditions that West Midlands Police wished to impose were already in place.

Mr Simpson referred to a condition that required him to give a minimum of twenty-eight days notice to West Midlands Police of forthcoming events. He explained that this would be difficult and it would affect his business as he could receive a request to hire the premises in a short period of time such as within two weeks.

Mr Simpson further stated that there had been no problems from previous events that had taken place.

In response to Mr Simpson's comments, PC Taylor stated that the action by West Midlands Police on 30<sup>th</sup> June, 2012 was following intelligence received that there would be a threat to life. He further confirmed that Mr Simpson had made some improvements to the premises, but that the conditions would be placed in order to alleviate any problems in the future.

In response to comments made in relation to illegal substances being found on the premises, Mr Simpson stated that all customers were searched prior to entering the premises and if anything were found then it would be confiscated.

In responding to a question by a member, Mr Simpson informed the Sub-Committee that he had not installed a landline, as he had always been contactable via a mobile telephone.

In responding to a question by a member in relation to the supposed gang related activity at the premises, Mr Simpson confirmed that he had never witnessed a customer carrying a handgun, and that it was common between nightclub's to submit accusations in order to prevent customers attending the premises.

Mr Simpson further stated that he had held his licence for four years and there had been no problems, and that he had been co-operative with the Police. PC Taylor responded that he would be happy to work alongside Mr Simpson, and that he was confident that Mr Simpson would address the issues raised.

In responding to comments made by West Midlands Police, Mr Simpson confirmed that tap water was available to all customers who requested it, and that the licence was displayed at the back of the bar, but admitted that customers would find it difficult to read.

In responding to PC Taylor's statement regarding the door supervisors not displaying their SIA badges, Mr Simpson confirmed this was correct but that he had since discussed this with the firm and implemented a log.

Reference was made to the apparent smell of Cannabis by the dance floor, Mr Simpson stated that there was a smoking area and a car park located behind the area, therefore if somebody did smoke the substance then it could be smelt from inside the club. He also confirmed that a door supervisor would be supervising the area in future.

In responding to a question by the Legal Advisor in relation to the conditions requested by the Police, Mr Simpson confirmed that he was happy with the conditions except the condition which required him to give twenty-eight days notice.

In summing up, Mr Simpson informed the Sub-Committee that he had been the Premises Licence Holder at the premises for four years, and had a good reputation.

In summing up, PC Taylor informed the Sub-Committee that the reason for the review was based on the concerns raised by West Midlands Police following intelligence received for 30<sup>th</sup> June, 2012.

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 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 Indulgence, Wedgbury Way, Brierley Hill :-

- (1) CCTV to be installed to the specifications and locations of West Midlands Police (Licensing Department).
- (2) CCTV to be recording at all times premises are open for any licensable activity.
- (3) All images from the CCTV system are to be held for a minimum of 28 days.
- (4) All images held on CCTV are to be made available immediately on request by any of the responsible authorities. All staff to be fully trained to be able to download and provide authorities with relevant footage.
- (5) The CCTV system shall be maintained to be in a proper working order.
- (6) Signage at the premises to say that there is an absolute zero tolerance in relation to Misuse of Drugs.
- (7) Any person within the premises who is suspected of being in possession of unlawful drugs will be asked to submit to search. If they decline, they will be removed from the Premises.
- (8) SIA registered door supervisors should be employed at the premises at a ratio agreed with West Midlands Police.
- (9) All Staff shall record their time of arrival at the premises and the times they leave the premises.
- (10) All door supervisors will display a valid SIA badge whilst on duty.
- (11) Door Supervisors should ensure that numbers of customers are appropriately monitored and controlled.
- (12) Door supervisors shall escort from the premises any person(s) believed to be acting in a drunk or disorderly manner using minimum force necessary.

- (13) Door supervisors shall exclude any person subject to a pub watch/court order or licence holder imposed ban.
- (14) Door supervisors shall search all persons entering and exclude those suspected of carrying illegal drugs or carrying offensive weapons.
- (15) Door supervisors shall confiscate any illegal drugs and deposit them in a drug safe recording the seizure in the incident book.
- (16) A Door Supervisor Register shall be maintained and detail the name and badge number of the door supervisor and timings of duty. This register shall be produced on request to representatives of West Midlands Police, Dudley MBC or the Security Industry Authority.
- (17) Door supervisors shall not allow entry to any person who appears to be in an intoxicated state.
- (18) There shall be at least one female door supervisor on duty in order to search female customers and to check and supervise the female toilet areas.
- (19) A sign shall be displayed requesting that the customers leave quietly and in an orderly fashion.
- (20) Door supervisors shall ensure that customers leave the premises including the car park area in a quiet and orderly fashion.
- (21) Persons who appear to be under the age of 21 shall be required to provide proof of age by way of passport, photo driving licence or PASS accredited proof of age scheme.
- (22) The premises shall adopt a written drug policy, which should be approved by West Midlands Police.
- (23) The Designated Premises Supervisor shall maintain an Incident Log Book and record any incidents of disorder, ejections, entry refusals giving rise to an incident or seizures of weapons or drugs. This book shall be provided on request to any representative of West Midlands Police or Dudley MBC.
- (24) There shall be an appropriate drugs safe.
- (25) Receptacles will be provided so that glass bottles and glasses can be disposed of safely to avoid injury to customers or to be used as a weapon.

- (26) No customer shall be allowed to wear baseball caps unless for medical reasons.
- (27) No customer shall be allowed to wear hoodie style clothing.
- (28) No customer shall be allowed to wear sunglasses unless for a themed event.
- (29) A cloak room shall be made available.
- (30) There shall be a working metal detecting wand for the use of door supervisors.
- (31) A minimum 21 days notice will be given to West Midlands Police of forthcoming events, with full details of organisers and DJ's.

#### REASONS FOR DECISION:-

The Sub-Committee has heard from the Police upon its application for a review of the club premises licence, and the response of Mr Simpson, the Premises Licence Holder. The Police have expressed concerns in relation to the premises, on the ground of crime and disorder, and have discussed conditions to be imposed upon the licence, with Mr Simpson. Mr Simpson accepts that there have been some aspects of the Police concerns that have needed rectifying, but does not accept others. However, he has stated that he has always worked with the Police, and will do so in the future, and will accept the suggested conditions numbered 1 – 30 in the schedule presented to the Sub-Committee. He does not however accept that it is reasonable that he be required to give 28 days notice to the Police of forthcoming events. The Police say that it is concerned about late night events which can encourage gang members, and that notice of such events will prevent crime and disorder in the premises. The Sub-Committee accepts these concerns with regard to late night events, but believes that 21 days notice is a reasonable period of notice which balances the needs of the business against the prevention of likely crime and disorder by the Police.

The Sub-Committee expects the terms of the conditions to be implemented without delay and the applicant states that he is in compliance with these currently in any event.

The Sub-Committee believes that these conditions are reasonable and proportionate, and expect that the relevant authorities will conduct their statutory inspections of the premises, to ensure, amongst other things, that these conditions are being complied with.

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33

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 No's 7 and 6.

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34

APPLICATION FOR REVIEW OF PREMISES LICENCE – CODE, 75-79 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 Code, 75-79 High Street, Dudley.

Mr Khan (Premises Licence Holder) was in attendance at the meeting.

Also in attendance were PC A Taylor, Licensing Officer, an observer and a member of the press.

Following introductions, the Chair stated that the meeting had been adjourned from the previous week due to the non-attendance of Mr Khan.

The Licensing Officer then presented the case on behalf of the Council.

It was noted that although Club Code and Hustlers were separate, they were located in the same building and shared the same staff.

PC Taylor presented the representations of West Midlands Police and in doing so stated that the club had been operating since December 2010, and had been closely linked with rival gangs from the borough, who had been witnessed entering the premises by officers.

PC Taylor then provided details in relation to an incident that took place on 23<sup>rd</sup> June, 2012, which resulted in a male being hospitalised, and a number of officers to guard the scene and conduct enquires into the incident.

PC Taylor informed the Sub-Committee that intelligence also suggested that there was a regular 'class A' drug use inside the premises, and drug dealing both inside the club and on the car park.

It was noted that there had been a total of forty recorded crimes relating to the premises since 2010.

He further stated that West Midlands Police wished to impose a number of conditions, which had been circulated to all parties prior to the meeting, in order to prevent any further problems at the premises. He also confirmed that Mr Khan accepted the conditions requested.

In response to PC Taylor's comments in relation to the gang related activity, Mr Khan stated that he had not been involved with any gang activity at the premises, but referred to a promoter that held events at the premises when it was first opened, who was known to the gang members. Mr Khan confirmed that the promoter no longer attended or worked at the premises.

Mr Khan further stated that he had liaised with West Midlands Police, and that he had spent a lot of money in order to improve security.

In responding to a question by a member, Mr Khan confirmed that customers could not access the premises via the High Street, and the only access to Hustlers would be via a secure fire exit.

In responding to a question by a member, Mr Khan informed the Sub-Committee that the door supervisors were aware of the gang members and would be able to identify any who attempted to enter the premises.

In response to the conditions requested by West Midlands Police, Mr Khan stated that he had implemented the majority listed.

Reference was made to the grounds of review submitted by West Midlands Police, in particular the issue identified in that the smoking area was not secure and people were not searched on re-entering the premises. PC Taylor stated that he would request that any customer who returned from the smoking area to be searched on their return to the premises.

In response to the grounds of review made by the Police, Mr Khan confirmed that there were no female door staff at the time of the review, but that he would employ female door staff in the future. Mr Khan also accepted that males were not all searched on entry to the club.

Mr Khan further stated that confiscated items were placed in a cloak room near to the entrance of the premises, which could not be accessed by the public.

In summing up, Mr Khan explained that he was willing to work with all agencies in order to produce a successful business.

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 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 Code, 75 – 79 High Street, Dudley :-

- (1) CCTV to be installed to the specifications and locations of West Midlands Police (Licensing Department at Stourbridge Police Station).
- (2) CCTV to be recording at all times premises is open for any licensable activity.
- (3) All images from the CCTV system are to be held for a minimum of 28 days.
- (4) All images held on CCTV are to be made available immediately on request by any of the responsible authorities. All staff to be fully trained to be able to download and provide authorities with relevant footage.
- (5) The CCTV system shall be maintained to be in a proper working order.
- (6) Signage at the premises to say that there is an absolute zero tolerance in relation to Misuse of Drugs.
- (7) Any person within the premises who is suspected of being in possession of unlawful drugs will be asked to submit to search. If they decline, they will be removed from the Premises.
- (8) SIA registered door supervisors should be employed at the premises at a ratio agreed with West Midlands Police.
- (9) All Staff shall record their time of arrival at the premises and the times they leave the premises.
- (10) All door supervisors will display a valid SIA badge whilst on duty.
- (11) Door Supervisors should ensure that numbers of customers are appropriately monitored and controlled.
- (12) Door supervisors shall escort from the premises any person(s) believed to be acting in a drunk or disorderly manner using minimum force necessary.

- (13) Door supervisors shall exclude any person subject to a pub watch/court order or licence holder imposed ban or at the request of the Police.
- (14) Door supervisors shall search all persons entering and exclude those suspected of carrying illegal drugs or carrying offensive weapons.
- (15) Door supervisors shall confiscate any illegal drugs and deposit them in a drug safe recording the seizure in the incident book.
- (16) A Door Supervisor Register shall be maintained and detail the name and badge number of the door supervisor and timings of duty. This register shall be produced on request to representatives of West Midlands Police, Dudley MBC or the Security Industry Authority.
- (17) Door supervisors shall not allow entry to any person who appears to be in an intoxicated state.
- (18) There shall be at least one female door supervisor on duty in order to search female customers and to check and supervise the female toilet areas.
- (19) A sign shall be displayed requesting that the customers leave quietly and in an orderly fashion.
- (20) Door supervisors shall ensure that customers leave the premises including the car park area in a quiet and orderly fashion.
- (21) Persons who appear to be under the age of 21 shall be required to provide proof of age by way of passport; photo driving licence or PASS accredited proof of age scheme.
- (22) The premises shall adopt a written drug policy, which should be approved by West Midlands Police.
- (23) The Designated Premises Supervisor shall maintain an Incident Log Book and record any incidents of disorder, ejections, entry refusals giving rise to an incident or seizures of weapons or drugs. This book shall be provided on request to any representative of West Midlands Police or Dudley MBC.
- (24) There shall be an appropriate drugs safe.
- (25) Receptacles will be provided so that glass bottles and glasses can be disposed of safely to avoid injury to customers or to be used as a weapon.

- (26) No customer shall be allowed to wear any head covering (caps/hats) unless for religious or medical reasons.
- (27) No customer shall be allowed to wear hoodie style clothing.
- (28) No customer shall be allowed to wear sunglasses.
- (29) A cloak room shall be correctly manned to take possession of headwear / hoodies / sunglasses.
- (30) There shall be a metal detecting arch in full working order which is to be used at the entrance.
- (31) There shall be a working metal detecting wand for the use of door supervisors.
- (32) A minimum of 21 days notice will be given to West Midlands Police of forthcoming events, with full details of organisers and DJ's.

REASONS FOR DECISION:-

The Sub-Committee has heard from the Police on its application for a review of the Code Premises Licence, and the response of Mr Khan, the Premises Licence Holder. The Police have raised a number of concerns in relation to the prevention of crime and disorder, leading up to a shooting in the club in June 2012. Mr Khan accepts the concerns raised by the Police and accepts the conditions recommended by the Police in order to prevent crime and disorder in the premises, in the future.

The Sub-Committee finds that these conditions are reasonable and proportionate, and are directly targeted at preventing crime and disorder in Club Code.

The Sub-Committee expects the terms of the conditions to be implemented without delay.

The Sub-Committee expects that the relevant authorities will conduct their statutory inspections of the premises, to ensure, amongst other things that these conditions are being complied with.



Mr Khan (Premises Licence Holder) was in attendance at the meeting.

Also in attendance were PC A Taylor, Licensing Officer, an observer and a member of the press.

The Licensing Officer then presented the case on behalf of the Council.

It was noted that although Club Code and Hustlers were separate, they were located in the same building and shared the same staff.

It was noted that Mr Khan disputed one condition, that the West Midlands Police wished to impose, in relation to the closing of the entrance to Hustlers from the High Street, however it was noted that Mr Khan had agreed with the Police that the entrance door would remain closed, but that a CCTV camera and intercom would be installed to allow customers to enter the premises.

Following a discussion where Mr Khan was unsure of the conditions listed, it was agreed that the meeting be adjourned to allow Mr Khan to discuss the conditions with PC Taylor further.

The meeting adjourned at 4.15 pm and resumed at 4.20 pm.

PC Taylor informed the Sub-Committee that it had been agreed in consultation with Mr Khan, that the door supervisors would be present at the premises on a Friday and Saturday between the hours of 21:00 and 03.00.

It was noted that Mr Khan was not happy with the conditions that required the removal of caps and hoodies, due to the premises predominately being a pub and that it attracted a lot of customers in the day time who would wear casual clothing, and that it would also be difficult to impose.

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 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 Hustlers, 75 – 79 King Street, Dudley :-

- (1) CCTV to be installed to the specifications and locations of West Midlands Police (Licensing Department at Stourbridge Police Station).

- (2) CCTV to be recording at all times premises is open for any licensable activity.
- (3) All images from the CCTV system are to be held for a minimum of 28 days.
- (4) All images held on CCTV are to be made available immediately on request by any of the responsible authorities. All staff to be fully trained to be able to download and provide authorities with relevant footage.
- (5) The CCTV system shall be maintained to be in a proper working order.
- (6) Signage at the premises to say that there is an absolute zero tolerance in relation to Misuse of Drugs.
- (7) Any person within the premises who is suspected of being in possession of unlawful drugs will be asked to submit to search. If they decline, they will be removed from the Premises.
- (8) SIA registered door supervisors should be employed at the premises at a ratio agreed with West Midlands Police on a Friday and Saturday between the hours of 21:00 and 03:00.
- (9) All Staff shall record their time of arrival at the premises and the times they leave the premises.
- (10) All door supervisors will display a valid SIA badge whilst on duty.
- (11) Door Supervisors should ensure that numbers of customers are appropriately monitored and controlled.
- (12) Door supervisors shall escort from the premises any person(s) believed to be acting in a drunk or disorderly manner using minimum force necessary.
- (13) Door supervisors shall exclude any person subject to a pub watch/court order or licence holder imposed ban or at the request of the Police.
- (14) Door supervisors shall search all persons entering and exclude those suspected of carrying illegal drugs or carrying offensive weapons.
- (15) Door supervisors shall confiscate any illegal drugs and deposit them in a drug safe recording the seizure in the incident book.

- (16) A Door Supervisor Register shall be maintained and detail the name and badge number of the door supervisor and timings of duty. This register shall be produced on request to representatives of West Midlands Police, Dudley MBC or the Security Industry Authority.
- (17) Door supervisors shall not allow entry to any person who appears to be in an intoxicated state.
- (18) There shall be at least one female door supervisor on duty in order to search female customers and to check and supervise the female toilet areas.
- (19) A sign shall be displayed requesting that the customers leave quietly and in an orderly fashion.
- (20) Door supervisors shall ensure that customers leave the premises including the car park area in a quiet and orderly fashion.
- (21) Persons who appear to be under the age of 21 shall be required to provide proof of age by way of passport; photo driving licence or PASS accredited proof of age scheme for the sale of alcohol.
- (22) The premises shall adopt a written drug policy, which should be approved by West Midlands Police.
- (23) The Designated Premises Supervisor shall maintain an Incident Log Book and record any incidents of disorder, ejections, entry refusals giving rise to an incident or seizures of weapons or drugs. This book shall be provided on request to any representative of West Midlands Police or Dudley MBC.
- (24) There shall be an appropriate drugs safe.
- (25) Receptacles will be provided so that glass bottles and glasses can be disposed of safely to avoid injury to customers or to be used as a weapon.
- (26) No customer shall be allowed to wear any head covering (caps/hats) unless for religious or medical reasons after 16:00 hours.
- (27) No customer shall be allowed to wear hoodie style clothing after 16:00 hours.
- (28) No customer shall be allowed to wear sunglasses after 16:00 hours.

- (29) A cloak room shall be correctly manned to take possession of headwear / hoodies / sunglasses.
- (30) There shall be a working metal detecting wand for the use of door supervisors.
- (31) A minimum of 21 days notice will be given to West Midlands Police of forthcoming events, with full details of organisers and DJ's.
- (32) That the entrance accessed from the High Street remain closed but that a CCTV camera and intercom be installed to allow customers to enter.

REASONS FOR DECISION:-

The Sub-Committee has heard from the Police on its application for a review of Hustlers Premises Licence, and the response of Mr Khan, the Premises Licence Holder. The Police have raised a number of concerns in relation to the prevention of crime and disorder. Mr Khan accepts the concerns raised by the Police and the majority of the conditions proposed by the Police in order to prevent crime and disorder in the premises, in the future.

The Sub-Committee finds that these conditions that have been agreed are reasonable and proportionate in order to prevent crime and disorder in the premises.

There is a disagreement in relation to proposed conditions 26 – 28 which relate to the wearing of hats, caps, hoodie style clothing and sunglasses. The Sub-Committee finds that these are reasonable and proportionate conditions, with an amendment to state that these articles of clothing shall not be worn after 4pm on any day of the week.

The Sub-Committee expects that the conditions will be implemented without delay.

The Sub-Committee expects that the relevant authorities will conduct their statutory inspections of the premises, to ensure, amongst other things that these conditions are being complied with.

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The meeting ended at 4.55 pm.

CHAIR

## LICENSING SUB-COMMITTEE 2

Tuesday 18<sup>th</sup> September, 2012 at 10.05 am  
in The Council Chamber, The Council House, Dudley

### PRESENT:-

Councillor Cowell (Chair)  
Councillors Bills and Russell

### Officers

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

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7      APOLOGY FOR ABSENCE

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

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8      APPOINTMENT OF SUBSTITUTE MEMBER

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

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9      DECLARATIONS OF INTEREST

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

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10     MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub-Committee held on 29<sup>th</sup> May, 2012, be approved as a correct record and signed.

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11     APPLICATION FOR A CLUB PREMISES CERTIFICATE – COOMBS WOOD SPORTS AND SOCIAL CLUB

A report of the Director of Corporate Resources was submitted on an application for the grant of a club premises certificate in respect of Coombs Wood Sports and Social Club, Stewarts and Lloyds House, Stewarts Road, Halesowen.

Mr N Jones, Chairman, and Mr K Barrat, Supporter and Member of the premises Committee were in attendance at the meeting.

Also in attendance and objecting to the application was Councillor Hill, Ward Member, on behalf of his constituents.

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

Councillor Hill then presented the representations on behalf of Councillor Shakespeare and the residents, which had been circulated to all parties in accordance with the Licensing Act 2003. He made particular reference to the concerns raised in respect of the intended opening hours and the impact this would have on local residents given that the premises was located within a residential area, and in doing so requested that the hours be reduced.

The Licensing Officer informed the Sub-Committee that it was common for an applicant to apply for a licence with hours that may not necessarily be used, in order to provide flexibility.

In responding to comments made, Mr Jones stated that the purpose for the longer hours was to achieve more flexibility, and confirmed that the premises would not stay open late in the weekday, but that the hours would likely be extended on a Friday, Saturday and Sunday to accommodate the busy periods.

Mr Barratt informed the Sub-Committee that the premises would not be hiring the facilities for events such as birthday parties, but that it would be open to members only.

Further to comments received from Councillor Shakespeare in relation to car parking, Mr Barratt stated that at the new premises, there would be specified parking in a residential area.

In responding to a question by a member, Mr Barratt confirmed that members would be asked to leave the premises quietly when leaving, and that they hope to involve the neighbours as much as possible, and would be willing to discuss any problems directly with them.

He further stated that the premises was predominately a sports and social club and very family orientated.

In responding to a question from the Licensing Officer in respect of the sound proofing of the building, Mr Barratt confirmed that as the premises had recently been built the building had been sound proofed, and a noise limit machine installed.

In summing up, Mr Barratt wished to reiterate that the opening hours requested was to provide flexibility, and not to allow the premises to be open late in the evening.

Councillor Hill commented that the applicant had given him the reassurance in respect of the opening hours, and that the applicant would make the effort to be a good neighbour.

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

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

## RESOLVED

That the application for the grant of a club premises certificate in respect of Coombs Wood Sports and Social Club, Stewarts and Lloyds House, Stewarts Road, Halesowen be approved, in the following terms :-

### Sale of Alcohol / Indoor Sporting Events

Monday – Sunday 10.00 – 01.00

New Years Eve – 36 hours. To extend the hours to cover big sporting events such as the world cup giving the police licensing officer 7 days prior notice in writing of the event and times.

### Live Music / Recorded Music / Performance of Dance

Monday – Thursday 18.00 – 23.30  
Friday and Saturday 18.00 – 00.00  
Sunday 18.00 – 23.30

Christmas Eve until 01.00  
New Years Eve until 02.00  
Bank Holiday Sundays until 00.00

### REASON FOR DECISION

The application for a premises licence is granted.

The Sub-Committee is satisfied that the club will work with the local community to allay any concerns that local residents may have, in particular around the proposed licensing hours to 1.00 am.

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of Dudley Stores, 28 High Street (Market Place), Dudley.

Mr M Kandeepan, Applicant, and Mr R Jordan, Representative, were in attendance at the meeting.

Also in attendance and objecting to the application was Ms D McNulty, Dudley Primary Care Trust (PCT).

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

Ms McNulty then presented the representations on behalf of Ms V Little, Director of Public Health, Dudley PCT, which had been circulated to all parties in accordance with the Licensing Act 2003. She made particular reference to the number of recorded attendances at the hospital for assaults in 2011/12 from the Dudley High Street area.

It was noted that four out of six attendances at the hospital had been a result of drinking in the daytime.

Arising from comments made, it was noted that the representations made by Dudley PCT were general comments for that specific area and not directly linked to the premises.

Mr Jordan then presented his case on behalf of the applicant and in doing so provided a brief background of Mr Kandeepan's experience in the alcohol trading industry.

Mr Jordan informed the Sub-Committee of the procedures that would be implemented such as a training programme for all staff members; identification procedures; a copy of the home office guidance in respect of fake identification badges would be displayed by the registers to guide staff members; advice given on proxy sales; that the refusals register would be approved by the Designated Premises Supervisor on a daily basis; and the consequences of selling alcohol to underaged customers to be explained to all.

It was also noted that staff would be reminded to request identification from all customers who appeared to be under twenty-five if they entered the premises in a group.

It was noted that every staff member would sign a training log to confirm that they had received training, and that refresher training would be provided on a six monthly basis.

Reference was made to the representations received from Public Health, Dudley PCT, and Mr Jordan stated that the concerns raised were not directly linked to the premises and that the majority of alcohol related disturbances occurred between the hours of 10.30 pm and 3.00 am, therefore he considered that the hours requested were reasonable.



In responding to a question by a member, Mr Kandeepan confirmed that he would be happy to discuss any problems with customers in order to resolve any issues.

In responding to a question by the Legal Advisor in respect of CCTV, Mr Kandeepan confirmed that there six cameras installed inside the premises with an additional one at the front and two at the back of the premises. He further confirmed that he would retain the footage for a period of twenty-eight days.

Further to comments made in regard to the refresher training provided to staff, Mr Kandeepan confirmed that he would be happy to provide the training on a four monthly basis.

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

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

## RESOLVED

That the application for the grant of a premises licence in respect of Dudley Stores, 28 High Street (Market Place), Dudley be approved, in the following terms :-

### Sale of Alcohol

Monday – Saturday	08.00 – 20.00
Sunday	10.00 – 17.00

### REASON FOR DECISION

The application for a premises licence is granted.

The concerns raised by Dudley Director of Public Health have been noted by the Sub-Committee but do not amount to representations upon which the Sub-Committee would not grant the application as made.

The applicant has consented to conditions in the operating schedule being amended to state :-

- 1) Staff training at four monthly intervals, which will be recorded.
- 2) CCTV footage will be retained for a minimum of twenty-eight days for inspection by the Police.

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of Tesco Stores Limited, 142 Bromley Lane, Kingswinford.

Mr J Bark, Solicitor, Mr M Herbett, Store Manager and Ms A Haslow, Area Manager, were in attendance at the meeting.

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

Mr Bark then presented the representations on behalf of Tesco Stores, and in doing so informed the Sub-Committee that the premises would open on 26<sup>th</sup> October, 2012. It was noted that the alcohol products stored in a Tesco express store was significantly lower than other products.

Mr Bark further stated that the challenge 25 policy was operated through the till register, and explained that when an alcohol product had been scanned a message would be displayed prompting the employee to request identification if the customer appeared to be under the age of 25. It was noted that the register was updated on a daily basis to highlight date of births that were within the legal remit to sell alcohol.

It was further noted that an audit was regularly undertaken on a quarterly basis which also included a mystery shopping exercise.

Mr Bark stated that the company provided a comprehensive training programme that had seen members of staff progress into senior management, which demonstrated the company's commitment to training. A legal refresher training course was also provided on a two yearly basis.

It was noted that there were ten CCTV cameras installed in the premises overlooking areas such as the registers and entrance. Mr Bark stated that all alcohol spirits were stocked behind the register, and half bottle sizes were not sold, therefore it would deter underaged customers as the full size alcohol product would have to be purchased.

It was confirmed that there would be four managers and sixteen members of staff at the premises on a daily basis.

Reference was made to representations received from local residents in relation to anti-social behaviour. Mr Bark stated that should customers misbehave in the premises then they would be asked to leave, and that if a customer refused to leave or continued to be disruptive then the employee would be expected to refer the matter to the Police.

Mr Bark referred to the 'rogues gallery' that had been implemented, which displayed CCTV images of customers who had been barred from the premises, and also referred to the good working relationship with the local police.

It was also noted that promotional offers, particularly alcohol related products, were not available in Tesco Express stores, Mr Bark then stated that Tesco was a responsible operator and had maintained a good record in the Dudley area.

In responding to a question by a member in relation to the self service areas and the possibility of thefts, Mr Bark stated that when an alcohol related product was scanned it alerted the member of staff to enter a date of birth if the customer appeared to be under the age of twenty-five. Referring to the comments made in relation to thefts, he stated that scales were installed on the self-service registers to weigh the goods, and if any were removed in order to steal them, then the alarm alerted the employees.

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

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

#### RESOLVED

That the application for the grant of a premises licence in respect of Tesco Stores Limited, 142 Bromley Lane, Kingswinford be approved, in the following terms :-

##### Sale of Alcohol

Monday – Sunday 06.00 – 23.00

##### REASON FOR DECISION

The application for a premises licence is granted.

The Sub-Committee has considered the written representations from local residents, and notes their concerns, but does not consider that there are sufficient grounds to refuse the application.

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The meeting ended at 12.05 pm

CHAIR

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**49.****Delegated Decision Summary****Exempt**

Yes No

 

**Decision Made By** Cllr Gaye Partridge  
**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and  
**In Consultation With** Teresa Reilly, Assistant Director  
**Ward(s) Affected** All  
**Date of Decision** 27 September 2012 **Reference** HOPSS/66/2012

**Establishment and permanent appointment to the post of Safeguarding Business Support Assistant (Minuting)**

To make the temporary 18.5 hours post of Safeguarding Business Support Assistant (Minuting) permanent

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**50.****Delegated Decision Summary****Exempt**

Yes No

 

**Decision Made By** Cllr Gaye Partridge  
**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and  
**In Consultation With** Teresa Reilly, Assistant Director  
**Ward(s) Affected** All  
**Date of Decision** 27 September 2012 **Reference** HOPSS/67/2012

**Appointment of Special Needs Register Coordinator**

To agree the appointment of a Coordinator for the Special Needs Register (SNR) and the transfer of funding from the Clinical Commissioning Group (CCG) to fund the post. Grade 5 £17,161 - £19,126 working 37 hours a week.

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**51.****Delegated Decision Summary****Exempt**

Yes No

 

**Decision Made By** Cllr David Sparks  
**Authorised By** Cllr David Sparks, Cabinet Member for Policy and Leader of the Council  
**In Consultation With** John Polychronakis, Chief Executive  
**Ward(s) Affected** All  
**Date of Decision** 24 September 2012 **Reference** CE/06/2012

**West Midlands Councils**

That the Director of Corporate Resources be authorised to give notice of the Council's withdrawal from West Midlands Councils in accordance with the provisions of the constitution of that organisation.

52.

Delegated Decision Summary

Exempt

Yes No

**Decision Made By** Philip Tart

**Authorised By** Philip Tart, Director of Corporate Resources

**In Consultation With** Cllr Peter Lowe, Cabinet Member for Finance

**Ward(s) Affected** All

**Date of Decision** 24 September 2012

**Reference** DCR/28/2012

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 the contract for the provision of bailiff services for council tax and business rates on behalf of Dudley MBC (W-ton ref no. PC37).