

COMMITTEE AND SUB- COMMITTEE MINUTES

**JULY 2013
TO
SEPTEMBER 2013**

**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 | 02/07/2013 | CESCF/1 | CESCF/3 |
| Coseley East and Sedgley | 03/09/2013 | CESCF/4 | CESCF/5 |
| Castle and Priory, St James's and St Thomas's | 02/09/2013 | CPSJSTCF/5 | CPSJSTCF/8 |
| Netherton, Woodside and St Andrews and Quarry Bank and Dudley Wood | 02/09/2013 | NWSAQBDWC F/5 | NWSAQBDWC F/8 |
| Gornal and Upper Gornal and Woodsetton | 03/09/2013 | GUGWCF/5 | GUGWCF/8 |
| Norton, Pedmore and Stourbridge East and Wollaston and Stourbridge Town | 04/09/2013 | NPSEWSTCF/5 | NPSEWSTCF/8 |
| Halesowen North and Halesowen South Community Forum | 04/09/2013 | HNHSCF/5 | HNHSCF/7 |
| Kingswinford North and Wall Heath, Kingswinford South and Wordsley | 10/09/2013 | TO FOLLOW | |
| Amblecote, Cradley and Wollescote and Lye and Stourbridge North | 10/09/2013 | ACWLSNCF/6 | ACWLSNCF/9 |
| Brierley Hill and Brockmoor and Pensnett | 11/09/2013 | BHBPCF/4 | BHBPCF/7 |
| Belle Vale, Hayley Green and Cradley South | 11/09/2013 | BVHGCSCF/5 | BVHGCSCF/6 |
| <u>SCRUTINY COMMITTEES</u> | | | |
| Health | 16/07/2013 | HSC/1 | HSC/5 |
| Special Meeting of Overview and Scrutiny Management Board | 25/07/2013 | OSMB/4 | OSMB/7 |
| Adult, Community and Housing Services | 12/08/2013 | ACHS/4 | ACHS/12 |

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|--|------------|---------|----------|
| Corporate Performance Management, Efficiency and Effectiveness | 05/09/2013 | CPMEE/8 | CPMEE/15 |
|--|------------|---------|----------|

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|-------------------|------------|------|------|
| Urban Environment | 09/09/2013 | UE/4 | UE/7 |
|-------------------|------------|------|------|

REGULATORY COMMITTEES

Appeals (Children's Services Transport Appeals Sub-) Committee

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|--|------------|---------|---------|
| Appeals (Children's Services Transport Appeals Sub-) Committee | 24/07/2013 | APCST/1 | APCST/2 |
|--|------------|---------|---------|

Audit and Standards

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|-------------------------------|------------|-------|-------|
| Audit and Standards Committee | 09/07/2013 | ASC/1 | ASC/5 |
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| Audit and Standards Committee | 19/09/2013 | TO FOLLOW | |
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| Standards Sub-Committee | 18/09/2013 | SSC/1 | SSC/4 |
|-------------------------|------------|-------|-------|

Development Control

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|-------------------------------|------------|-------|-------|
| Development Control Committee | 17/07/2013 | DC/18 | DC/25 |
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| Development Control Committee | 05/08/2013 | DC/26 | DC/31 |
|-------------------------------|------------|-------|-------|

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| Development Control Committee | 27/08/2013 | DC/32 | DC/36 |
|-------------------------------|------------|-------|-------|

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| Development Control Committee | 16/09/2013 | DC/37 | DC/43 |
|-------------------------------|------------|-------|-------|

Licensing and Safety

| | | | |
|---------------------------|------------|---------|----------|
| Licensing Sub Committee 1 | 10/09/2013 | LSBC1/7 | LSBC1/18 |
|---------------------------|------------|---------|----------|

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|---------------------------|------------|-----------|--|
| Licensing Sub-Committee 2 | 17/09/2013 | TO FOLLOW | |
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|---------------------------|------------|---------|---------|
| Licensing Sub-Committee 3 | 16/07/2013 | LSBC3/1 | LSBC3/7 |
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|---------------------------|------------|---------|----------|
| Licensing Sub-Committee 3 | 20/08/2013 | LSBC3/8 | LSBC3/18 |
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| Licensing Sub-Committee 4 | 27/08/2013 | LSBC4/10 | LSBC4/16 |
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Taxis

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| Taxis Committee | 04/07/2013 | T/7 | T/10 |
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| Taxis Committee | 06/08/2013 | T/11 | T/16 |
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| Taxis Committee | 12/09/2013 | TO FOLLOW | |
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ERNEST STEVENS TRUSTS
MANAGEMENT COMMITTEE

| | | | |
|---|------------|-------|-------|
| Ernest Stevens Trusts Management Committee | 31/07/2013 | EST/1 | EST/5 |
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CABINET

| | | | |
|------------------------|------------|-----------|--|
| Meeting of the Cabinet | 18/09/2013 | TO FOLLOW | |
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**ACTION NOTES OF THE MEETING OF COSELEY EAST/SEDGLEY
COMMUNITY FORUM**

held at 6.30 pm on Tuesday 2nd July, 2013
at Age Concern, Ettymore Road, Sedgley

PRESENT:-

Councillors Caunt, Evans, Mottram, Ridney and Mrs Westwood

Officers:-

Mr B Clifford (Lead Officer to the Forum) (Assistant Director, Health Reform Programme Lead – Directorate of Adult, Community and Housing Services) and Mrs M Johal (Directorate of Corporate Resources)

Together with three members of the public.

1 ELECTION OF CHAIR

It was agreed that Councillor Caunt be elected Chair of the Forum for the ensuing municipal year.

(Councillor Caunt thereupon took the Chair)

2 APPOINTMENT OF VICE-CHAIR

It was agreed that Councillor Ridney be appointed Vice-Chair of the Forum for the ensuing municipal year.

3 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting of the Coseley East/Sedgley Community Forum and then referred to the recent death of Councillor George Davies. Members and Officers paid tribute and stood in silence in his memory.

4 LISTENING TO YOU – QUESTIONS AND COMMENTS FROM LOCAL RESIDENTS

The following comments and issues were raised:-

- Reference was made to the closure and lack of public toilet facilities in the Coseley area. In responding the Vice-Chair indicated that people were happy to pay for toilet facilities, which would ease the financial burden on the Council, and she undertook to continue to pursue the matter.

- The Chair referred to a query raised at the previous meeting about the derelict public conveniences site on Gospel End Street and he indicated that the land had been sold and was no longer owned by the Council.
- Sergeant James Jones reported that Sergeant Richard Cruickshank had been appointed as the new Sergeant for the Gornal/Sedgley area.

5

WORKING WITH YOU – TOPICS RAISED BY LOCAL COUNCILLORS

- (a) Councillor Evans referred to works taking place to the wall in Gospel End Street and indicated that these were going very well and that the new footpath now allowed people to walk safely.
- (b) Councillor Ridley;-
 - (i) Referred to the petition submitted to the last meeting and indicated that a response had been given in that Paul Street had been assessed and that it had been considered it was not in a serious state and also due to financial difficulties works would not be included on the works schedule. In respect of the root damage and grass verges the matter had been referred to the Group Engineer to consider viable options.
 - (ii) Reported that new road markings had been placed around schools in the vicinity to prevent inconsiderate parking however it was still up to parents to park appropriately.
- (c) Councillor Caunt reported that he had received a letter from Centro stating that a new bus stop would be installed on Eastleigh Road.

6

AREA GRANTS

A report of the Lead Officer was submitted on an application for funding received from Hurst Hill After School Club.

Councillor Ridley declared an interest in that she was a Governor at Hurst Hill School and took no part in the discussion.

It was requested that future reports include a breakdown of figures relating to spend in each Ward.

AGREED TO RECOMMEND –

That the Director of Corporate Resources approve the making of a grant in the sum of £2235 for activities associated with the running of the After School Club which aims to provide a stimulating atmosphere for about 25 children aged 3-11 and in so doing supporting parents with employment responsibilities.

DATE, TIME AND VENUE OF NEXT MEETING

It was noted that the next meeting of the Community Forum would be held on Tuesday, 3rd September, 2013 at 6.30 pm at Christchurch C of E School, Church Road, Coseley.

The meeting ended at 6.50 pm

**ACTION NOTES OF THE MEETING OF COSELEY EAST/SEDGLEY
COMMUNITY FORUM**

Tuesday 3rd September, 2013 at 6.30 pm
at Christ Church C of E School, Church Road, Coseley

PRESENT:-

Councillor Caunt (Chair)
Councillors Mottram and Mrs Westwood

Officers:-

Mr B Clifford (Lead Officer to the Forum) (Assistant Director, Health Reform Programme Lead – Directorate of Adult, Community and Housing Services) and Mrs M Johal (Directorate of Corporate Resources)

Together with seven members of the public.

8 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Evans and Ridney.

9 **WELCOME AND INTRODUCTIONS**

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

10 **LISTENING TO YOU – QUESTIONS AND COMMENTS FROM LOCAL RESIDENTS**

A resident asked the following written question which would be referred to the relevant Directorate or appropriate body for a response:-

- Whether consideration could be given to installing traffic lights or a roundabout at Tipton Road/Gate Street and Richmond Road junction, Gospel End and Sandyfields Road junction and the Northway and Southerndown Road junction to ease traffic congestion and to slow traffic down due to excessive speeding. A suggestion was made to re-introduce the one way system in Sedgley that had worked well for several months.

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

- Problems created on Dimmocks Avenue following work carried out by a contractor to put bitumen on footpaths and that the material used had been incorrect which had led to pavements cracking up and making the street look worse than before.
- The need to reopen the existing public toilet facilities in Roseville and the sum of £70,000 to refurbish the toilets was questioned as it was not considered that amount would be required.
- Thanks extended to all those involved for the improvement work undertaken to the wall and footpath on Gospel End Street.
- The placing of double yellow lines around the Coseley area was commended and it was commented that efforts were being made to work with local centres with a view to them offering their parking facilities to the public for a nominal charge to alleviate parking problems.
- Concerns expressed about the closure of the Tenscore Car Park, Priory Lane at certain times which created problems for those using the Community Centre, particularly for functions.
- Problems regarding litter, rubbish and overgrown nettles in alleyways in Sedgley, particularly Bridle Way

11

WORKING WITH YOU – TOPICS RAISED BY LOCAL COUNCILLORS

No Member raised any issues.

12

AREA GRANTS

A report of the Lead Officer was submitted on current funds that were available and it was noted that no applications had been received for funding.

13

DATE, TIME AND VENUE OF NEXT MEETING

It was noted that the next meeting of the Community Forum would be held on Tuesday, 5th November, 2013 at 6.30 pm at Age Concern, Ettymore, Road, Sedgley.

The meeting ended at 6.55 pm

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

Monday 2nd September, 2013 at 6.30 p.m.
at Wrens Nest Community Centre, Summer Road, Dudley

PRESENT: -

Councillor K Finch (Chair);
Councillor A Ahmed (Vice-Chair);
Councillors K Ahmed, Ali, M Aston, A Finch and Waltho.

OFFICERS:

M Bowsher (Lead Officer to the Forum) – Directorate of Adult, Community and Housing Services and S Griffiths – Directorate of Corporate Resources

together with 24 Members of the public and an officer from West Midlands Police.

9. **APOLOGY FOR ABSENCE**

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

10. **WELCOME AND INTRODUCTIONS**

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

11. **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) Issues concerning new build properties on the site of the Old Park Public House, Russells Hall – need to clean up roads, footpaths and drains.
- (2) Request for attention to be given to both corners of Corbyn Road, joining onto Middlepark Road, Russells Hall, as the road had 'sunk in' and held surplus water.

- (3) Request for the area between 109 – 111 Middlepark Road, Russells Hall to be cleared again as the area was overgrown and rubbish had been deposited on the site.
- (4) Request to identify monies (possibly Section 106 funding) to improve the green space at the rear of Rotary House, Middlepark Road, Russells Hall to facilitate nature walks.
- (5) Request to attend to trees in the Oval, Russells Hall.
- (6) Request to extend a 'white line' road marking adjacent to the 'yellow box' markings at the bottom of Pearce Close, Russells Hall to prevent cars parking on the junction.
- (7) Issues concerning Barrow Hill and surrounding paths covered with nettles and brambles.
- (8) Request to deal with rubbish on Russells Hall Estate starting from Bushey Fields Road; grass cutting; bushes hanging over paths and a street sign that has been left on the floor for several months.
- (9) Request for improved lighting in Pearce Close, Russells Hall.
- (10) Request for a waste bin to be located in the vicinity of St. Augustine's Church.
- (11) Request for a maintenance order to be made in respect of a property in Grazebrook Road, Dudley and for the Council to inspect the condition of the property.
- (12) Request for an explanation concerning the conduct of the vote taken at the Development Control Committee on 5th August, 2013 relating to the planning applications for the demolition of the Hippodrome building in Castle Hill, Dudley.

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

- Various concerns were raised by residents of Fourwinds Road, Sledmere Estate, Dudley. The concerns related to loose and dangerous slabs on steps; loose handrails; trees causing obstructions; lack of litter bins and the need to install adequate lighting. Councillors Ali and Waltho requested that officers from the Directorates of Adult, Community and Housing Services and Urban Environment arrange a site visit to the Estate to enable the issues to be considered by officers in company with the residents and ward Councillors.

- Further concerns were expressed regarding a lack of Police presence on the Sledmere Estate. The Police representative referred to the work of the St Thomas's Neighbourhood Team and the Police restructuring which necessitated the prioritisation of resources. Residents were encouraged to attend Police and Communities Together (PACT) meetings to raise policing issues.
- A funding application form would be supplied in relation to the possible request for a grant towards the improvement of toilet facilities at Wrens Nest Community Centre.
- A representative of the Dudley Market Traders Association raised concerns about children and adults congregating in Dudley Market Place with associated incidents of anti social behaviour. The Police representative indicated that he was aware of the issues, including complaints about response times, and outlined ongoing work to address the problems in consultation with Market Traders and shopkeepers.
- Reference was made to the rotation of venues and increasing publicity for meetings of the Community Forums. In acknowledging that the Council had very limited resources for publicity, Members urged local residents to continue supporting and actively promoting their Community Forum. Any ideas for improvements would be considered.
- Promotional information concerning the Black Country Tool Bank was circulated at the meeting.
- Reference was made to recently refreshed signage in Dudley Town Centre concerning the 'no alcohol' zones. Members commented on the need for effective enforcement of the zones.

12. WORKING WITH YOU – TOPICS RAISED BY LOCAL COUNCILLORS

- Councillor A Finch requested a position statement concerning the Estate Office in Summer Road, Wrens Nest.
- Councillor M Aston raised the issue of the opening of toilets in Dudley Town Centre on Sundays. The Chair indicated that this would be raised with Cabinet Members and at full Council.
- Councillor Ali made reference to ongoing regeneration initiatives affecting Dudley Town Centre and issues associated with car parking. The Chair asked that an officer be invited to attend a future meeting concerning wider regeneration plans for Dudley Town Centre.

13. AREA GRANTS

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

Councillors Ali and Waltho declared non-pecuniary interests in the application from St Thomas's Network in view of their involvement with this organisation.

AGREED:-

- (1) That the Director of Corporate Resources be recommend to approve the application from St Thomas's Network for funding of up to £2,688 to purchase a number of 'stacking suite' trolleys to enhance storage space and reduce health and safety risks to staff/volunteers, with the aim of maximising furniture distribution to those in need.
- (2) That the application received from Old Park Tenants and Residents Association for funding towards a community fun day be deferred until the next meeting.
- (3) That the Lead Officer, in consultation with the Chair, Vice-Chair and Ward Councillors, be authorised to make a recommendation to the Director of Corporate Resources on the application received from the Whole Child Foundation CIC to provide a pilot extended project session for young people at St Thomas's Network during the October, 2013 half-term school holidays.

14. NEXT MEETING

The next meeting of the Community Forum would be on Monday, 4th November, 2013 at 6.30pm at St. Thomas's Network, Beechwood Road, Dudley.

The meeting ended at 8.10 pm

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

Monday 2nd September, 2013 at 6.30 pm at
Netherton Sports & Social Club, St Thomas Street, Dudley

PRESENT:-

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

Officers

Mr M Williams (Lead Officer to the Forum) (Assistant Director, Environmental Management – Directorate of the Urban Environment) and Mrs M Johal (Directorate of Corporate Resources)

Together with twenty five members of the public.

7 **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 introduced themselves.

8 **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) Complaints made about anti-social behaviour and litter problems in Buxton Road caused by children living in a particular house on that street. Vacant properties were also being used as drug dens. It was reported that residents did not report incidents as they feared reprisals.

Councillor Duckworth urged residents to telephone the police on the '101' number to ensure that all crimes were reported as the police were reporting low crime figures. It was also suggested that the Local Authority should consider introducing more youth programmes.

The Lead Officer to the Committee referred to litter problems and indicated that the Council had powers under the Environmental Protection Act to take action against any perpetrators and he undertook to speak to Enforcement Officers with a view to carrying out a surveillance exercise.

- (b) Request for gully drains in Gads Green and the Willows to be cleared as they were blocked with weeds. Also a request for road sweeping at the same location.
- (c) Request for consideration being given to double yellow lines on the corner of Crescent Road, Blackbrook Road and Wren Street or a one way system owing to the narrowness of the roads and inconsiderate parking, particularly on or near to residents' drives. Also a request for road sweeping at the same location due to litter problems and that a pot hole on the corner of Wren Street needed attention.

The Leader of the Council indicated that consideration had been given to a residents' parking permit scheme but owing to cost implications it was not considered feasible. Where other Local Authority's operated such schemes residents were charged for their permits.

The Lead Officer to the Committee undertook to ensure that a Traffic Engineer visited the site with a view to investigating and ascertaining the nature of the problems.

- (d) Request for clearing blocked drains in Bradford Road and also pavements in Bradford Road and Cochrane Road needed resurfacing. Also a request to look at Bradford Road as there were two speed bumps and they were considered to be a hindrance for emergency vehicles.
- (e) Complaint about litter not being picked up from behind the fence down Blackbrook on the Saltwells Nature Reserve.

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

- Traffic congestion caused by the change to a two-lane approach from Netherton at Cinder Bank Island.
- The need to ensure that disabled people were appropriately and fairly assessed by qualified people to ascertain whether they needed assistance in bringing their bins to the front of their properties.
- Questioning the size of the new black wheelie bins and whether there was a variation in size for households that do not have as much rubbish.

- A discussion was held in relation to the time periods involved in the roll out of wheelie bins and reasons were given to Dudley's approach to recycling which involved sorting at source which generated a good income as Dudley's waste was not contaminated. It was also reported that Dudley operated an incentive scheme to those that recycled and figures on the take-up of the scheme were used for monitoring purposes to ascertain the extent of recycling in Dudley.

9

WORKING WITH YOU – TOPICS RAISED BY LOCAL COUNCILLORS

Councillor Cotterill

- (a) Asked that consideration be given to implementing traffic calming measures such as speed sensors on Quarry Road.
- (b) Referred to the self cleaning toilets in Sedgley and asked that consideration be given to similar facilities for Quarry Bank High Street.

Councillor Wood referred to the Air Quality Action Plan (AQAP) for the Borough and stated that Netherton was in the top six of the worst polluted areas. A draft AQAP had now been drafted and the next step was to engage with the local Ward Councillors with a view to collating any further information, suggestions or improvements that could be made prior to implementation.

Councillor Sparks

- (a) Request for "no ball games" signs on street lamps on School Road, Quarry Bank.
- (b) Thanked the Council for planting the wildlife meadow at Quarry Bank Park and further requested that consideration be given to planting wild garlic alongside the fence on either side of the footpath.

Councillor Duckworth

- (a) Complained about footballers leaving rubbish at Woodside Park and that they became offensive if they were asked to remove it.
- (b) Referred to the Forum agenda and asked that consideration be given to the inclusion of notes of the previous meeting.

Councillor Cowell referred to numerous works that were currently being undertaken in the Quarry Bank area which had impacted on parking and she asked that consideration be given to measures being put into place to combat the problem and also asked for an increase in Enforcement Officers.

10

AREA GRANTS

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

AGREED TO RECOMMEND

That the Director of Corporate Resources approve the following:-

- (a) A grant in the sum of £2000 to the Netherton Regeneration Strategic Group to help fund a funfair that will form part of an annual event, the theme this year being 'heritage'.
- (b) A grant in the sum of £3900 to the Woodside Community Association to purchase a new boiler which will help them to continue to provide facilities for the community for leisure, training and other activities.

11

DATE, TIME AND VENUE OF NEXT MEETING

Noted that the next meeting of the Community Forum would be held on Monday, 4th November, 2013 at 6.30 pm at Woodside Community Centre, Highgate Road, Dudley.

The meeting ended at 7.30 p.m.

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

HELD AT 6.30PM ON TUESDAY 3RD SEPTEMBER 2013

AT THE LOWER GORNAL BRITISH LEGION, RUITON STREET, LOWER GORNAL,
DUDLEY

PRESENT:-

Councillor Branwood (Vice-Chair) (in the 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 twenty one members of the public

11 APOLOGY FOR ABSENCE

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

12 INTRODUCTIONS BY THE CHAIR

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

13 THE DUDLEY GROUP OF HOSPITALS NATIONAL HEALTH SERVICE
FOUNDATION TRUST.

A verbal presentation was given by Mr D Stenson, Governor of the Dudley Group of Hospitals National Health Service Foundation Trust relating to the changes in the National Health Service and how these would affect the Dudley Borough.

Mr Stenson invited those present to attend an annual meeting on 4th September, 2013 which would be held at Russells Hall Hospital and outlined the purpose for the meeting.

He referred to a service review that was being undertaken and the changes that had taken place in relation to the Dudley Primary Care Trust and those responsibilities which had been transferred to the Council.

Mr Stenson advised that Health Watch, Dudley were recruiting members to their Board.

GUGWCF/5

Councillor S Turner advised that as Chair of the Health and Wellbeing Board in Dudley and as Cabinet Member for Health and Wellbeing the re-organisation of the health service was ongoing and strategic work was being undertaken by the Council in relation to this with various meetings with professionals taking place in order to implement the changes.

Mr Stenson outlined the purpose of Patient Panels advising that this would involve patient involvement in local general practitioners surgeries in order to investigate how practices meet the needs of their patients and suggest any improvements that should be undertaken.

13 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 Complaints were made relating to the increasing numbers of fridges and freezers that were being abandoned on road sides, particularly in Cotwall End Road and Summit Place, Gornal Wood.
- 2 A request that litter bins be provided in the Boundary Hill and Brookdale areas of Gornal Wood.
- 3 Complaints were made of anti social behaviour in Elan Close, Lower Gornal and a request was made for the closure of the public right of way between Elan Close and Humphrey Street, Lower Gornal.

A representative from the Police who was present stated that he would request further policing of the area.

Councillor S Turner to speak to Sergeant Crookshank to request that the area is policed day and night.

- 4 A request that information be provided in relation to re-offending Council tenants and the eviction process and in particular how long this process would take.

The Chair referred to the Council's Anti Social Behaviour Team who were contactable through Dudley Council Plus.

- 5 A request that grass cuttings be removed following the mowing of grass verges and other land by the Council and in particular in Autumn Drive and Kennedy Crescent.

- 6 A query in relation to grass verges that were previously mowed by the Council but are no longer mowed and in particular the verge in Autumn Drive.

Councillor S Turner requested those present provide details to their Ward Councillors who would raise the issue with the appropriate Officer.

- 7 A request that the trees in Turner Street at the rear of Elan Close to Humphrey Street, Lower Gornal be pruned, as these were overgrown.

- 8 A request that the litter be removed from the pathway between Elan Close and Humphrey Street, Lower Gornal.

- 9 A query was raised in relation to the outcome of an application to change the use of the Pupil Referral Unit at the Sycamore Centre,

Councillor S Turner undertook to contact Councillor Crumpton in relation to this.

- 10 A query was raised in relation to an agreement entered into by McDonalds in Upper Gornal to undertake a litter pick of the area.

Councillor A Aston to speak to the relevant Officers in the Directorate of the Urban Environment as to whether this agreement existed and was being adhered to.

Other issues raised:-

- The Chair confirmed that funding had been approved in order to install a Closed Circuit Television in Gornal Village and that this would be linked to the live monitoring centre in Sedgley.
- The Chair advised that a meeting was to take place between Councillor S Turner, the Director of the Urban Environment and Councillor Wood, the Cabinet Member for Environment and Culture, in relation to the possible creation of a Recreational Play area in Stickley Lane, Lower Gornal.

14 WORKING WITH YOU: TOPICS RAISED BY LOCAL COUNCILLORS

No issues were raised by Members.

15 COMMUNITY FORUM FUNDING

A report of the Lead Officer was submitted on two applications for funding and the Lead Officer referred to a further two applications that had been received.

AGREED TO RECOMMEND

That the Director of Corporate Resources approve the following:-

GUGWCF/7

- (a) A grant in the sum of £525 to Friends of Sycamore Adventure towards the hire of attractions and entertainment for a fun day.
 - (b) That the Area Forum approved the grant application from Fast + Aid in principle on the basis that it should be referred to all other forums in the borough and considered as a borough-wide application and that the amount to be awarded be dependent on support being forthcoming from the remaining nine Community Forums.
 - (c) That a grant in the sum of £5,000 to the Woodsetton Charitable Trust be supported in principle subject to the successful funding application with external sources. In the event that the amount received from external sources be lower than the figure indicated in the application, the Area Forums grant would also be reduced proportionately.
 - (d) That a grant in the sum of £7,500 to the Baggeridge Social Welfare Centre be supported in principle subject to the Lead Officer circulating the application to Members and confirming the level of grant awarded in accordance with the funding guidelines.
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16 DATE, TIME AND VENUE OF NEXT MEETING

It was noted that the next meeting of the Community Forum would be held on Tuesday, 5th November, 2013 at 6.30 pm at the Baggeridge Social Club, 1 The Straits, Lower Gornal, Dudley.

The meeting ended at 8.10pm

**ACTION NOTES OF THE MEETING OF NORTON/PEDMORE AND
STOURBRIDGE EAST/WOLLASTON AND STOURBRIDGE TOWN COMMUNITY
FORUM**

Held at 6.30pm on Wednesday 4th September, 2013
at Stourbridge Children and Families Centre, Forge Road, Stourbridge

PRESENT:-

Councillor Attwood – Chair
Councillors Elcock, Hale, Kettle, Marrey, Rogers and Sykes

OFFICERS:-

Mrs S Holmyard (Lead Officer to the Forum), (Assistant Director of Planning and Environmental Health) - (Directorate of the Urban Environment) and Miss H Shepherd (Directorate of Corporate Resources).

TORCH REPRESENTATIVES

Andrew Leigh (Directorate of Adult, Community and Housing Services) and John Cunningham (Directorate of Children's Services).

Together with 33 members of the public.

8 **INTRODUCTIONS BY THE CHAIR**

The Chair welcomed everyone to the Norton, Pedmore and Stourbridge East, Wollaston and Stourbridge Town Community Forum and the local councillors and Council Officers introduced themselves.

9 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors L Jones and C Wilson.

10 **LISTENING TO YOU - QUESTIONS AND COMMENTS FROM LOCAL RESIDENTS**

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

Nature of questions/comments

- (1) A resident raised a concern that the footways/pavements in Brook Street, Stourbridge were in such a poor condition that residents were finding it difficult to walk along them, especially the elderly and disabled, and instead had to walk in the road.

- (2) Concerns were raised as to why only some plastics were being collected as part of the new recycling scheme, even though other plastic items were marked as being recyclable and asked when this service would be extended to include all items.
- (3) A resident requested information in relation to what plastics go into the new recycling bags; what rubbish was incinerated at the Netherton waste plant; when were the emissions from the incinerator last tested and inspected and how frequently did this happen and are the results published; do the emissions meet with European criteria and if not what was the Council doing about it.

Other Issues raised to which responses were given at the meeting:-

- An update was provided and an email circulated to residents in attendance by Councillor Hale in relation to the Longlands Playing Fields and College buildings owned now by Birmingham College. Progress had been made in relation to the top and middle playing fields, which are Council owned. It was reiterated that the Council had no authority over the college land and buildings, but introductory meetings had taken place between Council Officers and Birmingham College and that Birmingham College was currently in the process of doing a full review of all their properties and land, which included the Longlands site.

Further discussion was had in relation to the possible funding options available, in particular Section 106 monies, to help put the Council land/area back into full working order, however this would be dependant on whether the college land was sold for development and the requirement or otherwise of planning contributions by any potential developer. A timescale of when this issue would be resolved was still unknown. Residents continued to raise concerns in relation to the derelict buildings and the overgrowth of the fields that was now impacting on their own garden areas and a further issue was raised in relation to school places if the land was to be sold for housing development, as local schools were currently full to capacity.

- A resident, on behalf of the Flat Green Bowling Club at Wollescote Hall, expressed his thanks to the Forum for their assistance and support in relation to fee charges. However he reiterated that the issue with regards to the lease had still to be resolved.
- In response to a question in relation to the collapsed wall at Red Hill, Stourbridge, it was stated the owner of the wall had now been identified and the legality issues were progressing in a positive way.
- A resident requested that the green bin collections be extended to include autumn and winter months, as it was considered that during this period there was more green waste than could be self composted.

- The Lead Officer undertook to review the wording of the Community Forum Funding report, to provide clarification in relation to who was able to speak on funding applications. Clarity was provided on voting which is the sole responsibility of local ward Members (Councillors) in attendance.
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11 WORKING WITH YOU – TOPICS RAISED BY LOCAL COUNCILLORS

- Councillor Sykes referred to an issue raised at a previous Forum meeting in relation to the Councils Letting/Vetting Policy and informed the Forum that all Members were now in receipt of the new policy documents and had received reassurance from the Cabinet Member for Housing and Community Safety that these documents would be revised.
 - Councillor Rogers raised an issue in relation to Bigmore playing fields and the Cricket Club preventing members of the public from walking across the outfield when there was no cricket match in progress. The field was owned by the Council and the Cricket club leased the square and the public did have access rights across the land when there was no match in play. It was requested that the cricket club be contacted and informed of the rights of the public.
 - Councillor Elcock requested that the grass at the three fields in Dunsley Road, Stourbridge be cut. Residents had previously requested this to be done, but had not received a response.
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12 COMMUNITY FORUM FUNDING

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

AGREED TO RECOMMEND:-

- (1) That the application from the Management Committee of Alderman Tye Scout and Guide HQ, South Road, Stourbridge for the sum of £1000 for the retrospective emergency repair works to the roof, be approved.
 - (2) That the Director of Corporate Resources approve the making of a grant in the sum of £3460.18, representing 50% of the total expenditure, to 451 Stourbridge Air Training Corps Squadron, Territorial Army Centre, Swinford Road, Stourbridge, for the purchase of laptops, computers, printer, camcorder, screens, network and media drives.
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13 DATE, TIME AND VENUE OF NEXT MEETING

Noted that the next meeting of the Community Forum would be on Wednesday 6th November, 2013 at 6.30pm at Wollaston Village Hall, Bridgenorth Road, Wollaston, Stourbridge.

The meeting ended at 8pm.

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

Held at 6.30 p.m. on Wednesday, 4th September, 2013 at
Cornbow Hall, Hagley Street, Halesowen

PRESENT:-

Councillor Hill (in the Chair),
Councillors Mrs. Shakespeare, Vickers and Woodall

Officers:-

Mr. S. Beckett, Customer Services Manager, Dudley Council Plus (Directorate of Corporate Resources) (Lead Officer to the Committee) and Mr.J. Jablonski (Directorate of Corporate Resources)

together with four members of the public

9. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Bills and Taylor.

10. **WELCOMES**

The Chair welcomed those present to the meeting.

11. **LISTENING TO YOU: QUESTIONS AND COMMENTS FROM LOCAL RESIDENTS**

The following issues were raised orally at the meeting:-

- Arising from comments made at the last meeting by a member of the public, he reported that he had sent his observations regarding the Grange Road Roundabout to the then Lead Officer to the Committee, Phil Coyne, and was awaiting a response. In commenting upon this matter, he raised the issues of who owned the hedges at the Somers Club and Cricket Club and also the question of the lack of visibility in the vicinity of the designated crossing point as the trees were overgrown and so were a potential hazard to pedestrians.

The Lead Officer would arrange for these points to be considered and a response sent to the questioner.

- Arising from further comments made regarding the importance of improving the appearance of the various roundabouts leading into Halesowen, it was agreed that the Lead Officer contact the Directorate of the Urban Environment so that a list of what was achievable on these islands might be produced and forwarded to members for their consideration.
- Members commented on the disappointing turn-out from members of the public at the meeting, as, excluding an elected member who was speaking on an item later in the agenda and a member of the press, only two actual members of the public were in attendance. In considering this matter the issue of the possibility of the re-combining of the two Halesowen Forums was raised.
- A member of the public raised issues in respect of the Halesowen Area Action Plan which it was reported would be recommended to Council in October for adoption.
- It was agreed that if the member of the public had any specific questions the Lead Officer to the Committee would assist him in drafting them for consideration at the next meeting of the Forum.

12. WORKING WITH YOU - TOPICS RAISED BY LOCAL COUNCILLORS

Councillor Shakespeare raised the following issues:-

- Whether there was a cleaning programme for the new Asda Superstore in Halesowen as she considered that the outside wall required attention.
- Referring to the Facebook Forum that had been held the previous day, involving the Deputy Leader of the Council, she requested clarification as to whether if someone refreshed their screen, this was counted as a separate person logging on to the system, given the large number of hits the Facebook Forum received. The number of persons actually entering into dialogue on the Forum was also queried. Another member also queried whether questions that he was aware of that had been raised, but not answered on the night, would receive a response.

The points raised would be forwarded to the appropriate person for response direct to Forum Members and Councillor K.Turner.

- In response to a question as to whether the recycling scheme had settled down, the Lead Officer reported that of the three elements introduced, recycling had proved the most challenging, but attempts had been made to deal with the various issues that had arisen and that over time, matters would improve.

- Concerns were raised about the need for trees to be cut back, especially where they obscured light and made contact with the windows of properties, especially those housing elderly persons. She requested that consideration be given to the cutting back of trees in this instance.
- The Chair reported that although the planning application referred to at the previous meeting in respect of a proposal to replace Swan Pub in Long Lane, Halesowen, with a convenience store, had been withdrawn, a further application had now been submitted. Arrangements were being made to raise a further petition on this matter.

13. AREA GRANTS

A report of the Lead Officer was submitted on an application for funding. In introducing this item, the Lead Officer also referred to the receipt of a further application for funding from Halesowen Age Concern. In respect of the Halesowen Age Concern application, Councillor K.Turner was present at the meeting to speak on behalf of the application and the Chair referred to the fact that a family member attended the organisation's premises. It was also noted that half of the total amount requested, £5,000 was being requested from this Forum and the remainder being requested from the Belle Vale and Hayley Green and Cradley South Community Forum.

Regarding the application referred to in the report submitted from Leaps and Bounds Trust, members expressed concerns at the application submitted and considered that further information should be obtained.

- (1) That the application received from Leaps and Bounds Trust be deferred for further consideration at the next meeting of the Forum so that further information might be obtained from the Trust on issues such as the funding they had received from the Council and whether funding was being sought from adjoining Authorities and that the application also be submitted to the Belle Vale and Hayley Green and Cradley South Community Forum for their consideration.
- (2) That the Director of Corporate Resources be recommended to approve the making of a grant of £2,500 to Halesowen Age Concern, being half of the total funding requested, towards the cost of funding a marquee and fund raising events and to help with the costs of loss and damage resulting from two major break-ins at the organisation's premises in Green Lane, Halesowen.

14. DATE, TIME AND VENUE OF NEXT MEETING

Noted, that the next meeting of the Community Forum would be held at 6.30 p.m. on Wednesday, 6th November, 2013 at Manor Way Primary School, Halesowen.

The meeting ended at 7.30 p.m.

ACTION NOTES OF THE MEETING OF AMBLECOTE, CRADLEY AND WOLLESCOTE, LYE AND STOURBRIDGE NORTH COMMUNITY FORUM

Held at 6.30pm on Tuesday 10th September, 2013
At Lye Community Centre, Cross Walks, Lye

PRESENT:-

Councillor Herbert (Chair)
Councillor Perks (Vice-Chair)

Councillors Body, Crumpton, Hanif, Lowe, Partridge, and Mrs Walker.

OFFICERS:-

Miss J Porter (Lead Officer to the Forum - Director of Children's Services)
and Mrs K Taylor (Directorate of Corporate Resources)

TORCH REPRESENTATIVE

Catherine Ludwig (Directorate of Corporate Resources)

Together with 5 members of the public.

9 **APOLOGY FOR ABSENCE**

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

10 **INTRODUCTIONS BY THE CHAIR**

The Chair welcomed everyone to the meeting of the Forum. Following the making of other general announcements the local councillors and members of the public introduced themselves.

11 **LISTENING TO YOU - QUESTIONS AND COMMENTS FROM LOCAL RESIDENTS**

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

Nature of questions/comments

- (1) Concerns regarding the amount of litter on the streets in Lye, and repairs needed to the road outside the Lye Community Centre, Cross Walks, Lye.

- (1a) A resident referred to the parking in High Street, Lye, where there were too many loading spaces and not enough parking for disabled and customers. He suggested that the area behind the Post Office would be an ideal solution for additional parking. Councillor Hanif stated that work was being undertaken in Lower High Street to realign the parking bays to enable additional parking.
- (2) Ongoing problems concerning the parking near Chapelhouse Lane and Wychbury Medical Practice. This matter had been raised at the last Forum meeting. The Lead Officer undertook to ensure a response would be forwarded to the resident.
- (3) Reference was made to areas that required litter picking, in particular, Balds Lane, Crabbe Street and King Street in Lye.
- (3b) A number of issues were raised in regard to Crabbe Street, Lye, in particular:-
 - A grit box was filled with clothing.
 - Property no. 4/4A Crabbe Street - the windows had been boarded up for a number of weeks, it was believed to be a council property, and the front garden had not been maintained.
 - There is green open space which was being used to leave house hold rubbish
- (4) Concerns were raised in regard to the number of potholes in Denton Road, Wollescote.
- (5) The surface at the top of Drummond Road, Wollescote required attention, as it was unsafe for cyclists.

Other issues raised :-

- Concerns were raised in regard to the number of burglaries in the Lye area.
- Congratulations were given in relation to Wollescote Park being awarded a green flag, however there were some health and safety concerns in relation to the car park. Councillor Lowe stated that it was anticipated that there would be a significant investment to parks in the borough, and that the issue of parking would be addressed.
- A resident commented on the number of weeds within the Withymoor area.
- A resident was responded to by Councillors in respect of clarification sought on the appointment of the Chief Executive, Dudley MBC as a member of the Clinical Commissioning Group.

- Councillor Partridge referred to the need of tarmac paths in the Cradley area.
- Councillor Partridge referred to a horticultural show taking place on Saturday 14th September, 2013 at 7.30pm at the Labour Club.
- Councillor Crumpton referred to two events taking place on Saturday 14th September, 2013 – a table top sale at Providence Church, and a festival at St Peters Church.
- Councillor Crumpton further reported on a successful event by Providence, which saw a large number of children and their parents receiving free school meals and a cinema ticket. He also stated that they provided a meal for the elderly on Tuesdays, and how volunteers were needed.
- Councillor Crumpton referred to the first meeting of the Friends of Cradley Library Group.
- Councillor Body referred to an event at the Miner’s Club, which raised £500 for local children, and due to the success of the event this would become a regular event.
- Councillor Walker reported that there would be a tabletop sale on Saturday 14th September, 2013 at Amblecote Church.
- Councillor Perks stated that cycle barriers had now been installed at Corbett’s gate.
- Councillor Lowe stated that it was apparent that surgeries had become much busier following contentious issues such as anti social behaviour and the introduction of the bedroom tax.
- Councillor Lowe referred to the consultation in regard to the council tax reduction scheme for April 2014.
- Councillor Hanif referred to a successful charity match that had raised more than £800, and due its success it would become a regular event.

13 AREA GRANTS

A report of the Lead Officer was submitted on an application approved under delegated powers, and the remaining balances for the Forum.

RESOLVED

That the action of the Lead Officer, in consultation with members of the forum, in recommending approval to the Director of Corporate Resources of an application in the sum of £1630.32 from Lye and Stourbridge North Neighbourhood Police Team towards the purchase of a variety of sports equipment, be noted.

14 DATE, TIME AND VENUE OF NEXT MEETING

The next meeting of the Community Forum would be on Tuesday 12th November, 2013, starting at 6.30pm at Providence Methodist Church, Windmill Hill, Colley Lane.

The meeting ended at 7.20. pm

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

HELD AT 6.30PM ON WEDNESDAY 11TH SEPTEMBER, 2013

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

PRESENT:-

Councillor Islam (Vice -Chair) (In the Chair)
Councillors Foster, 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 twelve members of the public

9 APOLOGIES FOR ABSENCE

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

10 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.

11 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). A request that the double yellow lines in Byron Street, Pensnett be joined up with the 'H' markings as vehicles were parked on both sides of the road preventing traffic from moving along the road. Photographs of the congestion problems were submitted.
- 1(b) Could the position in relation to residents encroaching onto land at Fens Pool Nature Reserve be investigated, as residents were fencing off parts of the nature reserve and some had erected paddocks.

- 1(c) Could the fly tipping be removed from Milton Street, Brierley Hill. Photographs were submitted.
2. Concerns were raised in relation to stray horses in the Brierley Hill area with the impending winter months approaching. Problems with horses roaming and crossing the road, including concerns for the welfare of horses and the safety of motorists were referred to. Councillor Foster referred to a meeting that had taken place with the Director of the Urban Environment and the Cabinet Member for Environment and Culture in relation to stray horses advising that a Working Group would be introduced to investigate practical solutions to deal with stray horses. Councillor Foster undertook to invite the Director of the Urban Environment to attend the next meeting of the Forum to outline the Council's position in relation to dealing with stray horses. Members encouraged members of the public to continue with their observations and make diaries wherever possible, ensuring that they do so taking into account their own health and safety.
3. Concerns were raised in relation to the health, safety and welfare of the swans nesting on Fens Pool Nature Reserve, referring to an incident that had occurred when a weight was removed from a swan in order that it could swim. The Chair encouraged members of the public to report such incidents to their Ward Councillors. He also thanked the member of the public on behalf of the residents of Brierley Hill for the care and compassion that she had shown towards the swans and other animals on the Fens Pool Nature Reserve.
4. The Reverend Steve Martin referred to a consultation exercise that was taking place in relation to the future of St Michael's Church, Brierley Hill assuring those present that this would not involve closure but developing the church, including the possibility of introducing an arts and performance centre at the Church. Councillor Harris suggested that the consultation exercise be referred to the Brierley Hill Civic Society, the Brierley Hill Community Forum and the Friends of Marsh Park. The Brierley Hill Ward Councillors expressed their support for the regeneration of the Church. Councillor Foster referred to the regeneration plans that the Council had for the area including regeneration of civic life and making the most of the heritage in the Brierley Hill area. She referred to a meeting of a Working Group that was to take place in relation to the above and advised that she would consult with the Chair of the Working Group and if agreeable would invite the Reverend Steve Martin to the meeting. The Reverend Steve Martin referred to the Churches Heritage day that was taking place. Councillor Foster also referred to the sources of external funding that may be available to the Church for redevelopment purposes.
5. A member of the public expressed concerns regarding Brierley Hill traders encroaching onto pavements, causing obstructions and danger to members of the public. Councillor Harris to speak to Trading Standards and Environmental Health Officers at the Council requesting that they consult with the traders concerned.
6. Concerns were raised in relation to the partial building that had been erected and abandoned by those undertaking the construction opposite the Dell Stadium in Brierley Hill. Councillor Foster advised that unless the building became unsafe that the Council may not be able to enforce any action against those who were responsible for the building.

7. A member of the public enquired as to the position in relation to the Round Oak Steel Workers Memorial. The Chair advised that the position in relation to external funding for the memorial would require further investigation and should a revival group be established members of the public would be advised of this.
 8. A member of the public raised concerns in relation to a toilet and canteen block that had erected adjacent to Marsh Park, Brierley Hill which was obstructing traffic flow and parking for local resident in the area. Councillors Islam and Foster undertook to investigate the problem with the relevant Officers.
 9. A member of the public referred to the right of way between Albert Street and Milton Street, Brierley Hill advising that Tesco had erected a fence on the car park at the rear of their store advising that the right of way could not be used during the winter months as the fence was restricting light to the right of way and requested that consultation take place with Tesco as to whether they could provide lighting for the right of way or the fence could be removed.
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12. Other issues raised:-

A member of the public referred to a meeting of the Brierley Hill Forum which would take place at the Brierley Hill Project in South Street on 23rd September, 2013 at 5.30pm and was open to the general public.

A representative of the Retired Employees of Simon Dudley Limited thanked Members of the Forum for supporting their application for a Community Forum grant.

A member of the public suggested that following the grant of Community Forum funding that the applicants be requested to advise Forums on how the work and developments had improved and helped the local community and that this should be included in the criteria for applications for funding.

13 WORKING WITH YOU: TOPICS RAISED BY LOCAL COUNCILLORS

Councillor Foster advised that funds had been attracted in order to improve networks in High Oak, Brierley Hill and information in relation to the project would be provided to local residents shortly.

14 COMMUNITY FORUM GRANTS

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

AGREED

- (a) That the application for a grant in the sum of £4,000 from Limes Social Club be deferred pending further investigations into ownership of the building and the owners relationship with the applicant.

- (b) That the application for a grant in the sum of £4,920 from Inspired Communities be deferred pending investigations into who would benefit from the use of this facility as it was noted that the building was in the area of the Netherton, Woodside, St Andrews, Quarry Bank and Dudley Wood Community Forum.
 - (c) That the application for a grant in the sum of £5,000 from the Brierley Hill Methodist Church be deferred for consideration at a future meeting of the Forum as it was noted that previous funding had been granted to the Church within the last three years.
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15. DATE, TIME AND VENUE OF NEXT MEETING

Noted, that the next meeting of the Community Forum would be Wednesday 13th November, 2013 at 6.30pm at the Nine Locks Community Centre.

The meeting ended at 8.15pm

**ACTION NOTES OF THE MEETING OF BELLE VALE, HAYLEY GREEN
AND CRADLEY SOUTH COMMUNITY FORUM**

Wednesday 11th September, 2013 at 6.30 p.m.
at Huntingtree Primary School, Halesowen

PRESENT: -

Councillor Burston (Chair);
Councillor Ms Nicholls (Vice-Chair);
Councillors James, Russell, K Turner and Mrs H Turner

OFFICERS:

P Coyne (Lead Officer to the Forum) – Directorate of the Urban Environment and S Griffiths – Directorate of Corporate Resources together with 5 Members of the public.

9. **WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting and made general announcements.

10. **LISTENING TO YOU: QUESTIONS AND COMMENTS FROM LOCAL RESIDENTS**

A local resident requested the Council to reconsider the situation concerning railings along the footpath outside 4 Abbey Road, Halesowen. The issue was referred to the relevant Directorate for a response.

11. **WORKING WITH YOU – TOPICS RAISED BY LOCAL COUNCILLORS**

- Councillor Ms Nicholls raised issues concerning the Community First Panel in the Belle Vale ward. Her concerns related to the membership of the Panel, the transparency of decision-making, the website and the lack of availability of an e-mail address. Following a discussion, it was confirmed that the Community First Panel was not part of the Council's decision-making structures, however, the Lead Officer undertook to circulate a list of names of persons serving on the Panel. Councillor Ms Nicholls indicated that she wished to supply additional names for consideration.
- Members referred to the situation concerning 'gateway' traffic islands into Halesowen, with particular reference to funding previously identified for the Grange Island and the wider issue of potential sponsorship of other prominent traffic islands. The Lead Officer reported that this issue was receiving ongoing consideration.

12. AREA GRANTS

A report of the Lead Officer was submitted on an application for funding received from Halesowen Age Concern towards a marquee and fundraising events and to assist with the costs of loss and damage caused by recent break-ins at the organisation's premises. It was noted that the Halesowen North and Halesowen South Community Forum had agreed to recommend funding of £2,500 towards this project.

Councillor K Turner declared a non-pecuniary interest in relation to Halesowen Age Concern as a Director of the organisation.

The Lead Officer reported verbally on an application received from Fast Aid for funding towards the purchase of an additional vehicle for use in the Borough. This application would be referred to all other Community Forums for consideration.

Members also raised concerns about the annual funding of £5,000 given by the Council to Halesowen Chamber of Trade towards Christmas lights.

AGREED:-

- (1) That the Director of Corporate Resources be recommended to approve the making of a grant of £2,500 to Halesowen Age Concern towards the cost of funding a marquee and fund raising events and to help with the costs of loss and damage resulting from two major break-ins at the organisation's premises in Green Lane, Halesowen.
- (2) That the Lead Officer, in consultation with the Chair and Vice-Chair, be authorised to make a recommendation to the Director of Corporate Resources on the application received from Fast Aid for a contribution of £1,000 towards the purchase of an additional vehicle for use in the Borough, subject to a similar contribution being considered by the other nine Community Forums.
- (3) That the Director of Corporate Resources be requested to provide information to Members concerning the annual funding of £5,000 allocated to Halesowen Chamber of Trade towards Christmas lights together with a breakdown of the actual expenditure incurred.

13. NEXT MEETING

The next meeting of the Community Forum would be on Wednesday 13th November, 2013, starting at 6.30pm (venue to be confirmed).

The meeting ended at 7.10 pm

HEALTH SCRUTINY COMMITTEE

Tuesday 16th July, 2013 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Ridney (Chair)
Councillor Kettle (Vice-Chair)
Councillors Billingham, Cotterill, Hemingsley, Islam, Jordan, Ms Nicholls, Roberts,
Mrs Rogers and Mrs Walker

Officers

Assistant Director of Law and Governance (Lead Officer to the Committee), Director of Public Health, Ms Jackson, Ms Olding and Ms Rai (all Chief Executive's Public Health), Scrutiny Officer (Directorate of Adult, Community and Housing Services) and Mrs M Johal (Directorate of Corporate Resources)

Also in Attendance

Ms Mandy Green – Deputy Head of Communications and Patient Experience, Dudley Group National Health Service Foundation Trust
Mr Richard Cattell – Director of Operations, Dudley Group National Health Service Foundation Trust
Ms Gillian Goodlad - Dudley Clinical Commissioning Group
Ms Laura Broster – Head of Communication, Dudley Clinical Commissioning Group
Dr David Hegarty – Clinical Lead, Dudley Clinical Commissioning Group

1 APOLOGY FOR ABSENCE

An apology for absence was received on behalf of Councillor Harris.

2 APPOINTMENT OF SUBSTITUTE MEMBER

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

3 DECLARATIONS OF INTEREST

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

4 MINUTES

RESOLVED

That the minutes of the meeting of the Health and Adult Social Care Scrutiny Committee held on 27th March 2013 be approved as a correct record and signed.

5 TERMS OF REFERENCE, ANNUAL SCRUTINY PROGRAMME AND WORK PROGRAMME 2013/14

A report of the Lead Officer and Director of Corporate Resources was submitted on the Work Programme and the Terms of Reference of the Committee and the items included in the Annual Scrutiny Programme for detailed consideration by this Scrutiny Committee during 2013/14. Appendix 1 to the report submitted set out the Terms of Reference of the Committee and Appendix 2 gave more detailed information on the topics set out in the Annual Scrutiny Programme for 2013/14, as referred to in paragraph 7 of the report.

Arising from the presentation of the report the Vice-Chair asked that consideration be given to future meetings of the Committee to be scheduled prior to the Council meetings to enable pertinent items from the Committee to be reported in a timely manner. He also expressed concern about the increasing workload and responsibility of the Committee given in-depth scrutiny was vital.

RESOLVED

- (1) That the Terms of Reference of the Committee, as set out in Appendix 1 to the report submitted, be noted.
- (2) That the issues contained in the Annual Scrutiny Programme for 2013/14, as referred to in paragraph 7 and Appendix 2, to the report submitted, be noted.
- (3) That the outline Work Programme of the Committee reflecting key developments across partners and stakeholders for 2013/14 and issues arising from previous scrutiny meetings, as set out in Appendix 3 to the report submitted, be approved.
- (4) That it be noted that an informal development session would be held for Members and Officers at the conclusion of the formal business of this meeting, to discuss how they wished to progress the items for detailed consideration by the Committee during 2013/14.
- (5) That a "Public Forum" session be included as a standing item of business on the agendas for future meetings of the Committee.
- (6) That the Chair of Dudley Healthwatch be appointed as a non-voting co-opted member to this Committee for the remainder of the Municipal Year.

6 FORWARD PLAN OF KEY DECISIONS

A report of the Director of Corporate Resources was submitted on the Forward Plan of Key Decisions for the four month period commencing 1st June, 2013 and on the recommendation from the Overview and Scrutiny Management Board that this Scrutiny Committee considers whether it wishes to recommend that any items contained in the Appendix to the report submitted, setting out a Schedule of Key Decisions, should be scrutinised.

The Vice-Chair requested that consideration be given to enlarging the font in future reports, as the writing was difficult to read.

RESOLVED

- (1) That the information contained in the report, and the Appendix to the report submitted, be noted.
- (2) That the Overview and Scrutiny Management Board be requested to give consideration to detailed scrutiny being undertaken on decision number 0591 on the 20mph zone priorities, in particular with regard to safety of children and decision number 0582 on exceptions to the Council's Housing Allocations Scheme (Special Cases) and in particular to its implications.

7 CHANGE IN ORDER OF BUSINESS

RESOLVED

That, pursuant to Council Procedure Rule 13c, agenda item number 8 be considered as the next item of business.

8 MATERNITY UPDATE

A report of the Dudley Group National Health Service Foundation Trust was submitted on the Trust's progress to manage maternity demand.

Arising from the presentation of the report Mr Cattell undertook to provide Members with figures on national averages and figures for neighbouring Trust's to enable comparisons to be made.

In response to a query about the current position and figures on teenage pregnancies, the Director of Public Health undertook to circulate to Members a briefing that had been produced on teenage conception.

RESOLVED

- (1) That the information contained in the report on the Trust's progress to manage maternity demand, be noted.
- (2) That a further update report be submitted to a future meeting of the Committee.

9

DUDLEY CLINICAL COMMISSIONING GROUP PRIMARY CARE DEVELOPMENT STRATEGY

A report of the Dudley Clinical Commissioning Group was submitted on the final draft of the Group's Primary Care Development Strategy. The Strategy was attached as an Appendix to the report submitted.

Arising from the presentation of the report the Chair queried whether Patient Panels had increased since April as she was of the view that patient consultation was still lacking. In responding Ms Broster indicated that there were forty-nine practices in the Borough of which thirty-two practices had engaged in active patient consultation, a further ten were in the midst and work was being undertaken with a view to engaging the remaining practices. The Chair requested that information on the locations of the practices and whether there was any correlation in a lack of engagement in deprived areas be circulated to Members.

In responding to queries from Members, Dr Hegarty informed the meeting that National Health Service (NHS) England were responsible for some of the issues raised and that efforts were being made to work with them to enable local determination, that there were contractual requirements for practices to comply with to ensure General Practitioners were offering a quality service, however, there were variations in service as some practices had more financial resources and may be able to afford additional staff. It was reported that a representative of NHS England was a Member on the Health and Well Being Board. It was suggested that the Director, the Cabinet Member for Health and Well-Being and the representative of NHS England be informed that this Committee were concerned about the lack of communication and consultation with the local community on changes that affected them. The Director of Public Health undertook to convey the concerns of the Committee to the NHS England representative and the relevant Cabinet Member and to report back to a future meeting.

A Member suggested that investment in Information Technology was vital for the Trust and in particular commented that it would be beneficial if the public were able to order repeat prescriptions via telephone or email instead of having to make a visit to the surgery.

The Chair requested that a further report detailing the Action Plan, outcomes and information on targets and their attainments be submitted to a future meeting of the Committee. The Vice-Chair also requested that the quality of reports be improved and coloured copies of appendices be made available to Members by the relevant authors of reports.

RESOLVED

- (1) That the information contained in the report and the Appendix to the report submitted on the final draft of the Primary Care Development Strategy, be noted.
 - (2) That a further report to include the Action Plan and detailing outcomes, information on targets and their attainments be submitted to a future meeting of the Committee.
-

10 MORTALITY RATES – UPDATE

A verbal report of the Dudley Group National Health Service Foundation Trust on mortality rates was given by Mr Richard Cattell, Director of Operations.

In presenting the report, Mr Cattell referred to the publication of Sir Bruce Keogh's report into the fourteen failing hospital trusts of which Dudley had been named and then read out a statement from the Chief Executive on actions being taken to improve the situation.

The Chair requested that a further report to include the Action Plan and its implementation be submitted to the meeting of the Committee to be held in September.

RESOLVED

- (1) That the information contained in the verbal report on mortality rates and on the Action Plan, as stated above, be noted.
- (2) That a further report to include information on the Action Plan and progress on its implementation be submitted to the next meeting of the Committee.

The meeting ended at 7.55 p.m.

CHAIR

**SPECIAL MEETING OF
OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

Thursday 25th July, 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, James and Kettle

Officers:-

Assistant Director, Housing Strategy and Private Sector - Lead Officer to the Committee; Assistant Director Environmental Management and Head of Environmental Health and Trading Standards (both Directorate of the Urban Environment) and Mr. J. Jablonski (Directorate of Corporate Resources)

6. **APOLOGIES FOR ABSENCE**

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

7. **DECLARATIONS OF INTEREST**

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

8. **MINUTES**

RESOLVED

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

9. **OUTSTANDING ISSUES FROM PREVIOUS SCRUTINY COMMITTEES**

A report of the Lead Officer was submitted on outstanding items of business from the previous Scrutiny Committee regime.

The report identified two issues relating to the consideration of the report of the Director of the Urban Environment on Section 17 – Crime and Disorder Act 1998 considered by the former Community Safety and Community Services Scrutiny Committee on 14th March and a second issue around the strategic direction of the library service and its funding issues.

This latter issue was considered at paragraphs 13-15 of the report submitted and it was noted that in respect of the financial issues there would be an opportunity at the November meeting of the Adult, Community and Housing Services Scrutiny Committee to consider this as part of the budget consultation process and on the second point at present there were no specific plans for restructuring Libraries and therefore there was no consultation issues that could be raised with Members.

Regarding the Section 17 Crime and Disorder Act 1998 report the Community Safety and Community Services Scrutiny Committee at its meeting on 14th March 2013 had, because of Member concerns referred to in the report submitted and in the minutes of that Committee, also submitted, resolved to defer further consideration of the report to a future meeting of the Committee in order for the report to be effectively scrutinised.

Following the meeting a note, attached as Appendix C to the report submitted, had been sent to Members of the former Scrutiny Committee from the Assistant Director Culture and Leisure giving a series of very detailed answers to the concerns Members raised.

Members reiterated the concerns they had had with the report and presentation of the report at the former Scrutiny Committee meeting and an apology was given on behalf of the Directorate of the Urban Environment in relation to these matters.

Following a brief presentation of the report, and its Appendices, by the Lead Officer the Assistant Director Environmental Management commented further on the content of paragraphs contained in Appendix C to the report with particular reference to the Street and Green Care Budgetary Cuts – Impact on Section 17 Duties, Flycapture Statistics for 2011/12 – An explanation and Performance of Street Lighting.

Arising from the comments made the following principal points were raised:-

- The chart relating to Flycapture statistics for 2011/12 – An e4 explanation, contained in paragraph 2 of Appendix C to the report submitted, was considered to be confusing and arising from a further explanation of the information contained in that chart it was noted that the chart actually showed the number of fixed penalty notices issued and recorded incidents of fly tipping together with a red line on the chart which indicated the total number of actions by the Enforcement Team. It was considered that the information shown in the chart should have been presented on two charts with the latter information on a separate chart. Furthermore, it was felt that in order to more accurately convey the good work being undertaken by the Enforcement Team that further details of their work and the areas it was being undertaken in the Borough should be more accurately represented in the Quarterly Corporate Performance Management Report and the Assistant Director, Environmental Management was asked to liaise with the relevant officers in the Chief Executive's Directorate who prepared that report so that the information that was readily available could be included in the quarterly report.
- That in response to comments made by the Chair regarding the lack of information on the level of vandalism in respect of toilets in Coseley the Assistant Director, Environmental Management undertook to look into this matter and respond direct to the Chair.
- Regarding the street cleansing work done to actively develop community involvement in Environmental Improvement Activities referred to in Appendix 1 of the Report submitted to the 14th March, 2013 Scrutiny Committee it was agreed that the Assistant Director, Environmental Management e-mail to Members of the Committee the list of the 40 community groups and organisations that were supported in carrying out litter picks.
- That in response to comments made by Members regarding their concerns over the need to find the right balance between expenditure considerations and the impact on antisocial behaviour in relation to street lighting it was reported that any new housing scheme took into account crime figures for the area when a determination as to the level of street lighting was made. Members considered that other factors such as the fear of crime, number of children in the area and antisocial behaviour activity should also be included in the criteria used for the provision of street lighting. It was also suggested that evidence of joint working for example between the relevant police bodies and the lighting officers could be provided.

- In respect of the provision of street lighting to specific areas for example former brown field sites that now contain housing and small businesses and trading estates it was reported that each area was looked at in context and that when provision was being considered Ward Members would be contacted and appropriate other consultation undertaken so as to determine the level of street lighting.
- Arising from consideration of the activities of the Enforcement Section referred to in Appendix 4 of the original Scrutiny Report of 14th March 2013 the Head of Environmental Health and Trading Standards undertook to arrange for a written response to be given to Councillor Caunt outlining examples of the work the Enforcement Section undertook in relation to work on antisocial behaviour and complaints received.

Arising from the further detailed consideration given to the Section 17 Crime and Disorder 1998 report it was considered that lessons had been learnt arising from the further consideration given to this issue and that these would be taken forward in the new arrangements for scrutiny that had now been introduced.

RESOLVED

That the information contained in the report, and Appendices to the report, submitted on outstanding items of business from the previous Scrutiny Committee regime, be noted and that the officers indicated arrange for the action referred to above to be carried out.

The meeting ended at 6.50 p.m.

CHAIR

ADULT, COMMUNITY AND HOUSING SERVICES
SCRUTINY COMMITTEE

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

PRESENT:-

Councillor Islam (Chair)
Councillor James (Vice Chair)
Councillors Body, Burston, Evans, Herbert, J Martin, Mottram, Vickers and M
Wilson

Officers

Assistant Director, Customer Services (Lead Officer to the Committee), Policy and Performance Manager and Team Manager, Customer Services (All Directorate of Corporate Resources), Assistant Director, Housing Services, Head of Housing Options Head of Business Management and Team Manager (Income), North (All Directorate of Adult, Community and Housing Services) and Mrs K Buckle (Directorate of Corporate Resources)

Observer

Councillor Branwood

8 **APOLOGY FOR ABSENCE**

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

9 **APPOINTMENT OF SUBSTITUTE MEMBER**

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

10 **DECLARATION OF INTEREST**

Councillor Body declared a Non-Pecuniary interest in Agenda Item No. 6 – Welfare Reform, as his son was a Council Tenant.

11 **MINUTES**

RESOLVED

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

12 WELFARE REFORM

A report of the Lead Officer was submitted on the specific areas that Members, at the meeting on 12th June, 2013, identified for Scrutiny.

The Head of Business Management gave a power point presentation in relation to Under Occupation Subsidy commonly referred to as the Bedroom Tax.

The Head of Business Management outlined the purpose of the presentation referring to the impact upon Dudley since the implementation of the under occupation subsidy on 1st April, 2013.

An analysis of responses from those customers who were affected by the tax was circulated to Members.

Details relating to how customers were made aware of the implementation of the tax were referred to and the number of households that were identified as being affected by the tax together with details of the fact sheets that were forwarded to each household. The establishment of a Welfare Reforms telephone hotline and a graph detailing the percentage of established contact with those identified was displayed together with details of the responses received in relation to the tax. The advice provided to those customers who would be affected by the tax was outlined.

The impact on Dudley from 1st April, 2013 to 30th June, 2013 during quarter one was referred to together with the impact on the number of rent accounts.

Details of the increase in rent arrears were referred to and the potential loss of rent to the Council given the worse case scenario.

The Head of Business Management referred to the emerging trends, including the low demand for two bedroom flats and three bedroom maisonettes and the high and competing demands for one bedroom stock and the excessive demand for two bedroom houses.

The current situation was reported on together with the advice and assistance that continued to be provided to those affected and the continued publication of the tax.

In concluding the presentation the Head of Business Management outlined the developing work including the work that continued with West Midlands Best Practice Group.

Arising from the presentation Members asked questions, made comments and recommendations.

In responding to Members questions the Head of Housing Options advised as follows:-

- There had always been a low demand for two bedroom flats and three bedroom maisonettes.
- That there was a large demand for one bedroom housing stock and those applying for these properties were in competition with older people who wished to downsize.
- That those applying for council housing stock were sign posted to various Housing Associations throughout the Borough.
- The Council's Policy not to offer high-rise flats to those with children could be reviewed however even if those properties were offered to those with children it was unknown whether these properties would be accepted.
- That the Council were investigating methods of providing new homes and regenerating the housing stock that they already had.

Councillor Body recommended that all those who were residing in three bedroom flats who had two children should be excluded from the bedroom tax, as this should not be charged in cases where alternative accommodation cannot be offered to tenants in this position. It was agreed that the recommendation be noted and referred to the Cabinet Member for Adult, Community and Housing Services.

Councillor M Wilson recommended that those with children should not be allocated three bedroom maisonettes and flats, as high-rise flats were unsafe for children to reside in and children required gardens for recreational activities.

She also commented that those with an extra bedroom should not be penalised by the bedroom tax.

In responding to a Member's question regarding the Council's housing stock being unable to meet the demands of tenants, the Assistant Director of Housing advised that work would be undertaken to investigate the possible re-classification and re-modelling of council housing stock together with the financial implications of this and a future business plan would be prepared.

The Assistant Director of Housing advised that Council tenants could not be exempt from bedroom tax as this arose from legislation and not a decision that the Council had made.

The Team Manager for Income North provided statistics and details of those who were termed as tenants who can't pay/won't pay and undertook to email the detailed information to Members.

The Head of Housing Options advised that there were three hundred families on the Council's housing waiting list who required larger properties.

The Housing Finance Manager undertook to provide Members with benchmarking data relating to the average turnover of voids.

The Housing Finance Manager referred to the work undertaken with House Mark and a group of other authorities including a number of housing associations in order to ascertain trends regarding the void property rate.

The Housing Finance Manager undertook to provide Members with comparison data in relation to the fluctuation of rent arrears during the last four years.

She also advised that private sector rents were more expensive than Council House rents and some work had been undertaken in preparation for rent setting. Collected data had established that there were more one and two bedroom properties available in the private sector as many house conversions had been carried out however housing benefit was only payable up to a certain limit which may impact upon some tenants being able to afford to rent in the private sector. The Housing Finance Manager undertook to provide Members with the data collected in relation to the above.

The Team Manager (Income) North reported that there were seasonal trends in relation to rent arrears however the rise in arrears may be a combination of seasonal trends and the introduction of the bedroom tax.

The Assistant Director of Housing reported that housing stock was only usually remodelled where properties were adapted and it was not commonplace to re-classify properties as there were implications when re-classifying properties.

The Head of Housing Options advised that the Homelessness service operated for anyone in the Borough and initially where there was a possibility of a tenant losing their property advice would be given in an attempt to prevent this.

The Head of Housing Options undertook to re-consider the Council's policy in relation to housing those with secondary school age children in flats.

The Head of Housing Options advised that the financial costs associated with moving house may impact upon council tenants decision not to move into alternative properties.

The Housing Finance Manager outlined the calculation to determine the extra percentage of rent that would be payable in relation to bedroom tax.

It was also reported that duplex conversions had been undertaken by the Council in the past and the possibility of new builds, estate regeneration and using some of the Council's empty sites for re-builds would be investigated. Potential problems with ground surveys were outlined.

The Housing Finance Manager outlined facilities and advice provided to families who were in rent arrears.

The Head of Business Management undertook to investigate the possibility of Council vehicles being used to assist those who could not afford removal costs.

The Housing Finance Manager reported that Government contracts to provide those seeking asylum with housing had been granted to the private sector two years previously.

Members were requested to provide Housing Services with details of questions their constituents asked in relation to the bedroom tax and answers to these could be included in the frequently asked questions update, leaflets and the internet site. The Head of Business Management undertook to provide Members with the list of frequently asked questions and answers to these.

Councillor Islam referred to the Welfare Reforms leaflet and the Head of Business Management undertook to distribute the leaflet to Members.

The Head of Housing Options advised that the West Midlands Best Use of Stock Group had reached an agreement on the policy for those who could exchange with rent arrears in order to assist with people moving into alternative accommodation and this Policy would be reported on at a future meeting of the Committee.

RESOLVED

- (1) That the information contained in the report submitted, on Welfare Reform and the presentation on Under Occupation Subsidy, be noted.
- (2) That the relevant Officers be requested to provide responses and data as outlined above.
- (3) That the Lead Officer to the Committee be requested to advise the Cabinet Member for Adult, Community and Housing Services that Members supported the recommendation of Councillor Body referred to above.
- (4) That the Director of Adult Community and Housing Services be requested to submit reports to a future meeting of this Committee in relation to:-
 - (a) The possible re-classification and re-modelling of council housing stock, the financial implications of this and a future business plan.
 - (b) The impact on Dudley regarding the bedroom tax following the third quarter after implementation on 1st April, 2013.
 - (c) The possibility of using council vehicles to assist those who were unable to afford removal costs.
 - (d) The Policy regarding tenants with rent arrears as referred to above.

13 DISCRETIONARY HOUSING PAYMENTS

The Policy and Performance Manager gave a power point presentation on Discretionary Housing Payments advising that these were discretionary awards used to cover the shortfall between Housing Benefit and the full rent. Details of who these payments could be provided to and the main features of the scheme were referred to.

The main criteria for determining payments together with the qualifying factors were reported on. Details of the budget, the amount of successful and unsuccessful claims, the total claims received and the average claim paid were outlined.

Details of the Governments contribution to the scheme and the total fund were provided together with national comparisons which determined the percentage increase of applications received on the previous year.

Data in relation to the Governments contribution to the scheme, the total fund and the amount of awards, refusals and those yet to be adjudicated by neighbouring authorities were referred to.

Details of future considerations in order to administer the scheme including the health and welfare of applicants and staff, whether to change the scheme and the potential to require top up of the fund which required consideration at member level were provided.

Arising from the presentation Members asked questions and made comments and the Policy and Performance Manager responded as follows:-

- That details were awaited of the criteria to be met for a successful application to the Government for a top up of the Discretionary Housing Payment fund.
- Details of the predicted overspend of the fund were referred to.
- That as at 5th August, 2013 509 applications had been approved and 328 rejected.
- That those who were homeless and not in employment could apply for jobseekers allowance and could apply for accommodation via the Council's homelessness service.
- Every applicant who was refused was signposted to the Live 4 Less service.

The Lead Officer to the Committee advised that the amount of the Governments contribution to the fund had been determined for 2013 and 2014, however further information was awaited in relation to the amount that would be available for future years.

RESOLVED

- (1) That the information contained in the presentation and reported on in relation to Discretionary Housing Payments, be noted.
- (2) That the Lead Officer be requested to submit reports to future meetings of the Committee after each quarter on the financial position in relation to the Discretionary Housing Payment fund.

14 THE LOCAL WELFARE ASSISTANCE SCHEME

The Team Manager of Customer Services gave a power point presentation on the Local Welfare Assistance Scheme, advising that the Department for Work and Pensions Community Care Grants and Crisis Loans had been abolished on 31st March, 2013 and replaced by locally administered schemes now administered by the Council's Benefit Services and Dudley Council Plus.

Funding for the scheme and administration and set up costs were referred to and the two types of awards of crisis awards and Community care awards were referred to together with the main criteria for the awards and details of how needs were met were provided.

Details of local welfare activity during the first three months including the number of calls handled, applications submitted, awards granted, refused and withdrawn and the amount of the crisis and community care spend were provided.

The types of awards made including food, energy, furniture, carpets, household goods and white goods were referred to.

Details of the reasons for the awards and a sample of reasons for refusal of awards were provided.

The successes of the scheme together with lessons learnt following the implementation of the scheme were outlined and the possibility of a policy review. The continuing work to raise awareness of the scheme which would include monitoring and reviewing the scheme and continuing to develop working relationships in relation to the scheme was referred to.

Arising from the presentation Members asked questions and the Team Manager of Customer Services responded as follows:-

- The allocated budget for the fund for the following two years was £700,000
- That the Council had an agreement with Geoff Hill to provide new white goods at cost price.
- That the Department of Work and Pensions had a recorded message on their call centre telephones advising customers that the above service had been transferred to Local Authorities.
- That a number of briefings had taken place with health care professionals in order to make the public aware of the new arrangements in relation to the scheme.
- It had been recognised by the Government that the previous cash and loan award element of the scheme had been open to abuse and it was accepted that some calls had been aborted once it had been explained that cash and loan awards would no longer be available.
- That the supermarket vouchers provided cannot be identified as being issued by the Council.
- That members of the public could apply direct to the food bank.
- That the general public could apply direct to St Thomas' Community Network, however the Council could make multiple awards to applicants and offer a more comprehensive service.
- That the Council were reviewing the amounts that they were awarding to applicants and details of the review would be distributed to Members.
- That work details of the number of those who had received assistance as a result of violent relationships would be provided to members.
- That there was a right of appeal against refusal of an application to the Head of Service and then to the Assistant Director.

Members raised concerns in relation to the significant under spend since the scheme was transferred to the Council and the Lead Officer to the Committee agreed to provide Members with details of the awards made by the Department of Work and Pensions for the periods 2011/12 and if available 2012/13.

The Lead Officer to the Committee also agreed to conduct further work in relation to publicising the scheme in order to raise awareness.

RESOLVED

- (1) That the information contained in the presentation and reported on in relation to the Local Welfare Assistance Scheme, be noted.
- (2) That the Lead Officer to the Committee be requested to:-
 - (a) Submit a report to a future meeting of the Committee on the progress of applications for Local Welfare Assistance.
 - (b) Distribute to members details of the review in relation to the amounts awarded to applicants.

- (c) Provide Members with details of the number of applicants worked with who had been subjected to violent relationships.
- (d) Circulate to members details of the awards made by the Department of Work and Pensions for the periods 2011/12 and if available 2012/13.

The meeting ended at 9.10 p.m.

CHAIR

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

Thursday 5th September, 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, Harley, Marrey, Mottram, Russell, Sykes and K
Turner.

Officers

Assistant Director, Policy and Improvement (Chief Executive's Directorate)
(Lead Officer to the Committee), Principal Policy and Performance Management
Officer and Mr. J. Jablonski (Directorate of Corporate Resources)

Also in attendance

(for Agenda Item No. 7 only)

Assistant Director, HR and Organisational Development; Assistant Director,
Housing Strategy and Private Sector; Assistant Director, Quality and
Partnership (Children's Services) and Head of Service - Housing Options

(for Agenda Item No. 6 only)

Treasurer, Assistant Director Customer Services, Head of Revenue Services,
Policy and Performance Manager and Deputy Head of Benefits (All Directorate
of Corporate Resources).

5 APOLOGY FOR ABSENCE

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

6 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Harley had been appointed as a substitute member
for Councillor Wright for this meeting of the Committee only.

7 DECLARATIONS OF INTEREST

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

8 MINUTES

RESOLVED

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

9 PUBLIC FORUM

No matters were raised under this agenda item.

10 CHANGE IN ORDER OF BUSINESS

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

RESOLVED

That agenda item number 7 – Quarterly Corporate Performance Management Report - be considered as the next item of business.

11 QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

A report of the Chief Executive was submitted on the first quarter Quarterly Corporate Performance Management Report for 2013/14, relating to performance for the period 1st April to 30th June, 2013. A copy of the Quarter 1 report had been circulated separately to members together with an addendum in relation to activities under the headings Regeneration, skills and employment and Cleaner, greener and environmentally friendly.

Following a presentation of the content of the Quarter 1 Report by the Principal Policy and Performance Management Officer members asked a number of questions to which responses were given. Particular points raised were as follows:-

- In response to a question regarding the five performance indicators in respect of young people where performance was below target and a request made for information as to what actions were being taken to address the situation the Assistant Director Quality and Partnership (Children's Services) detailed the action that was being taken in each case.

Arising from the comments made and a query in respect of PI 660 – Number of children in need per 10,000 of the child population (rate) – it was agreed that the Assistant Director, Quality and Partnership would arrange for information as to the performance of the Council on this measure compared with the national picture to be circulated to all Members of the committee.

- With reference to objectives 3 and 4 regarding young people it was agreed that the Assistant Director Quality and Partnership would arrange for details as to how many outstanding school places there were for children with SEN needs who had not been allocated a school by the end of last year's school term and how many such pupils had not been allocated a place by the start of this school term and the reasons for this and clarification as to what were referred to as "alpha children" in relation to entitlement to transport to school given the impact this was reported to be having on three special schools in particular.
- Regarding PI 120 – percentage of 16 to 18 year olds who are not in education, employment or training (NEET) it was agreed that a breakdown by ward of the numbers involved be provided to members of the Committee by the Assistant Director Quality and Partnership in respect of this indicator.
- In respect of PI 170 – Credit Union share to loan ratio – in response to a query regarding the below target performance on this indicator reference was made to the comments in the addendum regarding the extension of the operation of the Credit Union into the south of the Borough by mid September 2013. This was part of a deliberate policy by the Credit Union to build up bank savings and so have a pool of funds available to attract new members in the south of the Borough the increased membership would then replenish the banks holdings and thereby improve the share to loan ratio. The timeline for undertaking this operation was requested and the Assistant Director, Policy and Improvement would arrange for the necessary details to be forwarded to Councillor Caunt.
- Regarding PI 325 – number of adults in English and Maths programmes the Principal Policy and Performance Management Officer would arrange for the information as to the success rate of adults undertaking such programmes to be notified to all members of the Committee.
- Arising from a query on the Black Country Wide "Meet the Funder" event to be held during quarter 2 referred to on page 10 of the report under objective 2.2a – the Assistant Director, Policy and Improvement would ascertain whether members were to be invited to this event.
- In response to a comment made regarding a request made in February, 2012 for details of firms in the borough so that they could be informed of European funding, a response to which was still awaited, the Principal Policy and Performance Management Officer would investigate this matter and respond direct to Councillor K. Turner.

- Regarding objective 3 – reference 2.3d – development of a new tourism strategy and action plan for the Borough – arising from a query about the progress made arising from the tourism summit held in July 2013 – the Assistant Director, Policy and Improvement would arrange for an update on the revised strategy and delivery plan to be circulated to all members of the Committee.
- Regarding the three performance indicators referred to on page 23 of the report relating to the Office of Public Health it was agreed that confirmation would be sought from the Director of Public Health by the Assistant Director, Policy and Improvement that these indicators had been brought forward from those to which the office were working when they were part of the National Health Service and that the comments received by circulated to all members of the Committee.
- With reference to the performance figures for recycling contained on page 26 of the report it was agreed that clarification would be sought by the Assistant Director Policy and Improvement on the issue raised of the non-recycling of yoghurt pots and the view expressed that appropriate advice on this could be incorporated into the A-Z of recycling booklet referred to under reference 6.1a.
- Regarding PI 350 – percentage of municipal waste land filled on the addendum to the report it was agreed that the Assistant Director, Policy and Improvement would arrange for details of the additional costs incurred arising from the below target performance on this indicator and from which budget the costs would be met to be circulated to all members of the Committee together with details as to how many times the new recycling vehicles had broken down since delivery had been taken of them.
- Arising from a query as to whether the Healthy Hubs in the Borough were to continue and where the funding was to come from in the event of this it was agreed that the Assistant Director, Policy Improvement would arrange for this matter to be investigated and a response sent to all members of the Committee.

- Arising from a query raised about return to work interviews an explanation was given of the process adopted since 1st May, 2013 in relation to these and the overall Attendance Management Policy that had been adopted. In essence given the implementation date it was too early to draw any specific conclusions as yet however systems were in place to ensure that such interviews were undertaken by managers and supported by IT developments. Manual systems were also in place. It was commented on that there had been a reduction in the sickness figures following the introduction of the Attendance Management Policy.
- Arising from consideration of objective 7.7a – Roll forward the Council’s Budget and Medium Term Financial Strategy - arising from a query regarding the operation of the Coffee Lounge it was agreed that the Assistant Director, Quality and Partnership (Children’s Services) would arrange for the financial position to be investigated and for a response to be sent to all members of the Committee.

RESOLVED

That the information contained in the Quarterly Performance Management Report submitted; in the quarter one report circulated separately to members and the addendum thereto, in respect of performance for the period 1st April to 30th June 2013, be noted together with the comments made at this meeting and that the officers indicated undertake the actions referred to above.

12. EXCLUSION OF THE PUBLIC

As it was indicated that it was likely, in view of the nature of the business to be transacted and of the nature of the proceedings, that exempt information would be disclosed, it was:-

RESOLVED

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

| <u>Description of Item</u> | <u>Relevant Paragraph of Part 1 of Schedule 12A</u> |
|------------------------------------|---|
| Council Tax Reduction Scheme (CTR) | 3 |

13. COUNCIL TAX REDUCTION (CTR) SCHEME

A report of the Director of Corporate Resources was submitted on the further detail in respect of specific areas that members of the Committee had identified for further scrutiny at the informal meeting held on 30th July 2013.

The Assistant Director, Customer Services, in his presentation of the content of the report referred to the three options for the Council's 2014/15 Local Council Tax Reduction Scheme which were:-

Option 1 – continue with current arrangements.

Option 2 – increase council tax payable by cutting the level of CTR by 8.5%.

Option 3 – increase the council tax payable by cutting the level of CTR by 20%.

As part of the further consideration to be given to this matter information on the protection of vulnerable groups and on a breakdown of Direct Debit payers by Council Tax Property Band had previously been circulated to members of the Committee.

Reference was then made to a presentation to be made at the meeting providing the latest information in relation to:-

- Public consultation results – so far.
- Neighbouring Local Authorities – scheme plans to date.
- Collection issues.
- Next steps.

Officers present then commented further on the presentation given at the meeting.

Regarding the public consultation undertaken and the results to date it was noted that a wide range of consultation had been undertaken, focusing on benefit claimants but also including the general public via approaches such as the Council's website, press release, twitter and facebook.

Of the 320 responses received and analysed up to 23rd August 2013, 237 (74%) favoured option 1. Of the 74%, 86% were in receipt of benefits. 37 (12%) favoured an 8.5% cut in CTR whilst 36 (11%) favoured a 20% cut in CTR. Of these 81% were Council Tax Payers.

A further one hundred responses had now been received and would be analysed in due course.

Updated figures would be given to the Chair by the Assistant Director, Customer Services in due course.

The twelve week consultation period would end on 18th October 2013.

Of the vulnerable groups which could be protected, in the event of either option 2 or 3 being adopted, the highest percentages of positive responses related to protecting disabled adults, disabled children and working age war pensioners .

On the issue of consultation some members commented that more should be done to consult with the general public and in response it was noted that other avenues of consultation such as consulting tenants and via Directorates of the Council were being used.

In addition the use of the Council's Community Forums was raised together with use of further press coverage.

Further ways of engaging with the general public would therefore be explored and undertaken.

Arising from consideration of the position in neighbouring Councils reference was made to the issue of protecting vulnerable groups.

A broad definition of disabled had been used which encompassed all possible categories of disability and long term sickness.

The vulnerable groups were disabled adults and children, lone parents with a child aged under 5 and war pensioners of working age.

It was noted that a variety of definitions of disability were used by other Local Authorities. The effect of protecting all of the vulnerable groups specified in the report and using the full definition of disability would be to reduce the extra collectible Council Tax in any revised scheme by approximately half.

It was considered that a clearer definition of disability and sickness was required and this would be looked into and a tiered approach could also be considered.

Issues relating to the collection of any extra collectible Council Tax were also discussed however, the overall conclusion was that, based on the evidence available, it was too early to indicate how collection rates would actually perform by implementing either options 2 or 3 and that collection rates were also affected by other legislative changes that have been made.

The position would therefore continue to be monitored. It was also noted that collection rates were dependent on the approach taken to recovery of debt.

Regarding the next steps it was noted that the Cabinet would meet on 30th October to consider and propose a scheme to the full Council meeting on 5th December which would include any recommendation made by this Committee at this meeting.

Arising from the presentation and comments made further questions/comments were made, relating principally as to which, if any, of the three options should be recommended to Cabinet.

Various views were then expressed including continuing with the current arrangements – option 1, increasing the Council Tax payable by cutting the level of CTR by 20% - option 3, option 2 with provisos and that option 2 would be uneconomic to implement.

In respect of option 3 a comment was made that if adopted this should be with the narrow Disability Living Allowance definition of disability whilst the contrary view was also expressed that vulnerable groups should be protected using the widest definition of disability.

Comments were also made that there was a need for further information before a decision could be made, as the position regarding collection rates was inconclusive, that the consultation period still had a number of weeks to run and that there was a need to broaden out the consultation to more council tax payers.

At the conclusion of comments made, and following consideration of various proposals it was, following the proposal and seconding of a particular motion and voting thereon:-

RESOLVED

That the Cabinet be informed that this Scrutiny Committee do not wish to make a recommendation to them regarding which of the three options for the Council's 2014/15 Local Council Tax Reduction Scheme should be adopted, on the basis that there was currently not enough information available on which to make a decision but that if Cabinet/Council wish to implement either options 2 or 3 it is recommended that the vulnerable groups identified within the papers circulated to members and referred to at this meeting be protected and that the widest possible definition of disability be features of the proposed Scheme.

The meeting ended at 9.00 p.m.

CHAIR

CPMEE/15

URBAN ENVIRONMENT SCRUTINY COMMITTEE

Monday 9th September, 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, Hanif, Harley, J Jones, Jordan, 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), Assistant Director of Urban Environment (Environmental Management), Assistant Director of Urban Environment (Culture and Leisure), Project Development Manager, Team Manager (Green Care), Countryside Manager, Head of Traffic and Transportation, Manager of Executive Support, Principal Executive Support Officer (All Directorate of the Urban Environment) and the Assistant Democratic Services Officer (Directorate of Corporate Resources);

Councillor Islam was in attendance as an observer.

7 DECLARATIONS OF INTEREST

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

8 MINUTES

RESOLVED

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

9 PUBLIC FORUM

No matters were raised under this Agenda Item.

10 PARKS, NATURE RESERVES AND OPEN SPACES STRATEGY

A report of the Director of the Urban Environment was submitted together with a detailed presentation on the current development, management and maintenance arrangements for the Borough's parks, nature reserves and open spaces and to highlight to Members the key management issues and to seek agreement to any areas where more detailed scrutiny may be needed in the future.

Following the detailed presentation, Members commended Officers on the excellent report, presentation and work currently undertaken and asked questions, made comments and recommendations.

A Member requested details of the services that would no longer be able to be provided if a further reduction in funding was made and asked if the same level of service could be provided by alternative ways of working such as the privatisation of certain services or the setting up of an arms length company. It was suggested that the cost of services should be addressed as some schools no longer used the Council service for maintaining school grounds as cheaper options had been sourced.

Arising from a question raised in relation to land management issues and the large waiting list for allotment sites, it was stated that to convert land into an allotment site would require planning permission for change of use of the land, but it would also be dependent of the type of land and whether it was contaminated or not. It was also stated that costs would be accrued by the Council for the initial set-up of the site but once complete the site could become self-maintained.

In response to a further question raised the Team Manager (Green Care) stated that there had been targeted break-ins at depots across the borough in the past, but not at a huge cost to the Council, however an investment in higher security in these areas had been addressed over the last few years.

The Assistant Director of Urban Environment (Environmental Management) agreed to look at the issue raised in relation to fridges being left at the road side and stated that fly tipping was a costly problem.

A Member requested that consideration be given to how the Council could develop and make current services more effective rather than reduce services. It was requested that ways in which to promote green space areas more widely to attract tourism be investigated and that help continued with 'Friends of Parks' to maximise any external funding received.

Information in relation to current tree disease issues was requested and what contingency plans did the Council have in place to deal with these issues.

In response to a question raised the Assistant Director of Urban Environment (Environmental Management) confirmed that there was only one budget held within Green Care for fly tipping issues which was monitored and controlled.

The Lead Officer to the Committee suggested that the Committee may wish to hear the views volunteers; 'friends of parks' groups and other stakeholders.

A Member asked if ways to generate income from green spaces had been explored and a list of what services would be lost if funding was to be cut further was requested.

RESOLVED

- (1) That the information contained in the report submitted, the detailed presentation and comments made at the meeting in relation to the development, management and maintenance arrangements for Borough's parks, nature reserves and open spaces, be noted.
- (2) That a copy of the presentation be circulated to all Members of the Scrutiny Committee.
- (3) That a further report, taking into consideration all the comments and requests made at the meeting, be submitted to the next meeting of the Committee to be held on 29th October, 2013.

11 TRAFFIC REGULATION ORDER PROCESSES

A report of the Lead Officer to the Committee was submitted on the virtual scrutiny process suggested by Members to review Traffic Regulation Order (TRO) processes.

The Lead Officer presented the report explaining the virtual process and in doing so stipulated that would be for a trial period. The role of the proposed cross party working group advising on future TRO programmes was outlined, emphasising that the TRO process is determined by a legislative legal framework and that the final decision on programmes would still ultimately remain with the Cabinet Member for Transportation.

The Head of Traffic and Transportation explained the current lengthy process for TRO's and stated that a more streamlined robust process was required to enable an annual programme of works to be established and to make the process more efficient and transparent to elected Members and the public.

Members referred to and raised concerns in relation to the TRO Score Sheet, Appendix C to the report submitted, stating that they considered the document not to be user friendly and clarification was required on how the scoring would be applied. The Head of Traffic and Transportation agreed to circulate to Members an explanatory note detailing how the scoring process would work.

A Member suggested that when consulting on a TRO that a time limit for responses was applied and that any responses received after that date would not be taken into consideration.

The Chair requested that any issues Members had in relation to the TRO score sheet be raised electronically as part of the virtual scrutiny process.

In response to a question raised it was confirmed that temporary TRO's would not be included in this process, as this type of order were usually in relation to works that were required to be carried out.

Arising from a question raised in relation to the length of time it currently takes for TRO to be implemented and how these were prioritised, it was stated that current TRO's were implemented in area blocks and could take up to four years to be applied.

It was requested by the Lead Officer that a worked example on one particular road be provided to Members to help them understand the TRO score sheet and how the process would work. Information on how neighbouring authorities operated was also requested.

RESOLVED

- (1) That the information contained in the report submitted and presented at the meeting, in relation to the Traffic Regulation Order Processes, be noted.
- (2) That the Scrutiny Committee agree to trial a virtual scrutiny process to review the Traffic Regulation Order process and for a cross party working group to be established.
- (3) That the Head of Traffic and Transportation be requested to provide an explanatory note in relation to the Traffic Regulation Order Score Sheet, together with a worked example of a particular road within the borough and circulate direct to Members of the Scrutiny Committee.

The meeting ended at 8pm.

CHAIR

**APPEALS COMMITTEE (CHILDREN'S SERVICES TRANSPORT
APPEALS) SUB-COMMITTEE**

Wednesday 24th July, 2013 at 10.00 am
in Committee Room 4 at The Council House, Priory Road, Dudley

PRESENT:-

Councillor J Martin (Chair)
Councillors A Aston and Evans

Officers

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

1 APOLOGIES OF ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors Hale and Mrs H Turner.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillors A Aston and Evans had been appointed as substitute members for Councillors Hale and Mrs H Turner, respectively, for this meeting of the Sub-Committee only.

3 DECLARATIONS OF INTEREST

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

4 EXCLUSION OF THE PUBLIC

RESOLVED

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

| <u>Description of Item</u> | <u>Relevant Paragraph of Part 1 of Schedule 12A</u> |
|--|---|
| Home to School/College Transport Appeals | 1 |

5 HOME TO SCHOOL/COLLEGE TRANSPORT APPEALS – OH and KH

The Sub-Committee considered an appeal relating to Home to School/College Transport.

The Applicant, Mrs MC, was in attendance at the meeting.

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

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

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

The Applicant then presented her case as to why it was imperative that her children were provided with home to school transport.

Following the presentation by the Applicant, the Panel asked questions on the evidence provided.

Following a detailed discussion and questioning, both parties were asked to make final submissions and then withdrew from the meeting so that the Sub-Committee could continue its deliberations in respect of the Home to School Transport Appeal.

RESOLVED

- (1) That, following careful consideration of the written representations as circulated with the agenda papers and all the comments and submissions made at the meeting, the appeals for OH and KH be refused for the reasons set out in the report of the Senior Transport Manager, Directorate of Children’s Services.
- (2) That the Director of Corporate Resources advise the applicant of the Panel’s decision in writing.

The meeting ended at 10.30 am.

CHAIR

AUDIT AND STANDARDS COMMITTEE

Tuesday, 9th July, 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, Mrs. Martin, Russell, Taylor and K. Turner

Officers

Treasurer, Head of Audit Services, Director of Corporate Resources, Assistant Director, Law and Governance (Directorate of Corporate Resources), Audit Managers, Principal Auditor, Assistant Director, Policy and Improvement (Chief Executive's Directorate) and Mr. J. Jablonski (Directorate of Corporate Resources).

Also in Attendance

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

1. **APOLOGIES FOR ABSENCE**

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

2. **APPOINTMENT OF SUBSTITUTE MEMBERS**

It was reported that Councillor K. Turner had been appointed as a substitute member for Councillor C. Wilson for this meeting of the Committee only.

3. **DECLARATIONS OF INTEREST**

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

4. MINUTES

Arising from consideration of the minutes, Councillor Taylor referred to the pre-ambles to Minute 40 and reported that he had still not received a response from the Director of Adult, Community and Housing Services in relation to the introduction of a policy for deceased client's balances.

The Chair undertook to take this matter up.

RESOLVED

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

5. GRANT THORNTON AUDIT OPINION PLAN 2012/13

A report of the Treasurer was submitted on the External Auditor's Audit Opinion Plan for 2012/13 attached as Appendix 1 to the report submitted.

Ms. K. Bellingall commented on the content of the Appendix which assessed the risk of material misstatements in the Accounts and set out audit procedures to address those risks.

RESOLVED

That the information contained in the report, and Appendix 1 to the report, submitted on the External Auditor's Audit Opinion Plan for 2012/13, be noted.

6. INTERNAL AUDIT SERVICES ANNUAL PERFORMANCE AND REVIEW REPORT 2012/2013

A report of the Treasurer was submitted on an overview of the performance of the Dudley Audit Services in the year to the 31st March, 2013 and to inform members of the Head of Audit Services' review of Audit Services in line with the Accounts and Audit Regulations, 2011 which require the Council to conduct an annual review of the effectiveness of internal audit. The Head of Audit is also required to give an opinion on the system of risk management and internal control and this was referred to in paragraphs 19 and 20 of the report submitted.

Following a presentation of the content of the report and related Appendices to the report submitted, lettered A to D, members commented, in particular, on the content of Appendix D - CIPFA "A Toolkit for Local Authority Audit Committees".

In this connection, it was suggested that further consideration be given to members of the Committee carrying out a self-assessment as to their skills and experiences possibly leading to training given for identified gaps; the Committee holding a meeting in private to discuss issues with the Head of Internal Audit and a similar meeting with the external auditors, and to the possible production of a formal annual report on the work of the Committee and performance during the year to full Council.

It was also noted that training for new members of the Committee was to be arranged in due course by the Head of Audit Services.

The Head of Audit also advised that additional information on benchmarking would be presented to the September meeting.

Arising from consideration of the training referred to in paragraph 7 of the report submitted, it was suggested that an evaluation of the effectiveness of workshops/briefings provided to school staff and Governors be carried out and it was reported that this would receive consideration.

Regarding the number of post-audit questionnaires returned in 2012/13, some 50% of those issued, concerns were raised by members of the Committee at this low rate of return.

RESOLVED

That the information contained in the report, and Appendices to the report, submitted on the performance and review of Audit Services in 2012/13, be accepted and that the Head of Audit Services be requested to write to the Chief Executive and Directors of the Council asking that they take steps to ensure that post-audit questionnaires were returned following audits in their respective directorates.

7. REVIEW OF CURRENT CORPORATE RISKS

A report of the Treasurer was submitted on current corporate risks, as most recently reviewed by the Corporate Board, and to advise on future scrutiny arrangements of these risks. Appendix 1 to the report submitted showed details of corporate risks as reviewed by Corporate Board on 4th June, 2013.

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 December, 2013.

RESOLVED

That the information contained in the report, and Appendix 1 to the report, submitted on current corporate risks, be noted and that risk ORG0017 - Welfare Reforms - be the particular risk identified for closer scrutiny the next time a risk report was referred for consideration by the Committee, on 10th December, 2013.

8. COMMITTEE WORK PLAN, 2013/14

A report of the Treasurer and the Director of Corporate Resources was submitted on a Committee Work Plan for 2013/14

Arising from consideration of the content of Appendix 1 to the report which set out the Schedule of Agenda Items, it was agreed that a further statement as to exceptions to Standing Orders would be included in an Audit Services Interim Performance Report so as to increase the number of occasions on which this issue was reported on, to three.

RESOLVED

That the information contained in the report, and Appendix 1 to the report, submitted be approved together with the addition referred to above.

9. RE-APPOINTMENT OF THE STANDARDS SUB-COMMITTEE

A report of the Director of Corporate Resources was submitted on the re-appointment of the Standards Sub-Committee.

RESOLVED

That the Standards Sub-Committee be re-appointed for 2013/14 with its existing Terms of Reference and that the membership of the Sub-Committee comprise Councillors Cowell, Mrs. Martin, Taylor and Tyler, two members from each of the political groups on the Committee with proportionality waived as to membership.

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

Description of Item

Relevant Paragraphs
of Part 1 of Schedule
12A

Annual Audit Report in relation to the Chief Executive's Directorate 2 and 7

Annual Audit Report in relation to the Directorate of Corporate Resources 2 and 7

11. ANNUAL AUDIT REPORT IN RELATION TO THE CHIEF EXECUTIVE'S DIRECTORATE

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

RESOLVED

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

12. ANNUAL AUDIT REPORT IN RELATION TO THE DIRECTORATE OF CORPORATE RESOURCES

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

RESOLVED

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

The meeting ended at 7.45 p.m.

CHAIRMAN

STANDARDS SUB-COMMITTEE

Wednesday, 18th September, 2013 at 6.00 p.m.
in Committee Room 4 at the Council House, Dudley

PRESENT:-

Councillors Cowell, Mrs. Martin, Taylor and Tyler

Officers:-

Assistant Director, Law and Governance; and
Mr. J. Jablonski (Directorate of Corporate Resources).

Also in Attendance:-

Councillor R. Burston

together with one member of the public

1. **ELECTION OF CHAIR**

RESOLVED

That Councillor Cowell be elected Chair of the Sub-Committee for the remainder of the 2013/14 municipal year.

Councillor Cowell - in the Chair

2. **DECLARATIONS OF INTEREST**

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

3. **STANDARDS INVESTIGATION - COUNCILLOR R. BURSTON**

A report of the Monitoring Officer was submitted on the outcome of a standards investigation undertaken in respect of Councillor R. Burston in accordance with the Members' Code of Conduct and the local Standards Arrangements set out in the Council's Constitution.

The Assistant Director, Law and Governance (who is also the Deputy Monitoring Officer) in his presentation of the content of the report submitted, referred to the procedure that would be followed, which had been discussed with Councillor Burston.

Councillor Burston confirmed that whilst he knew that he was entitled to have a representative present, he had decided to proceed without a representative.

The Assistant Director then made particular reference to the personal statement made by Councillor Burston at the meeting of the Council on 15th July, 2013, concerning internet searches that had been made on his Council provided computer equipment to internet sites of an adult nature.

In view of the statement made by Councillor Burston concerning the breach of the provisions of Section 3 of the Members Code of Conduct and paragraphs 11 and 12 of the Guide for Members Internet Access, Use of E-mail and Councillors' Websites, it had subsequently been determined that the matter required formal investigation and referral to this sub-committee.

As part of the investigation carried out a sample of fifty of the searches and images accessed on Councillor Burston's computer had been referred to the Internet Watch Foundation for formal review. Their conclusion was that they did not find any of the images to be of an illegal nature.

However, whilst the images were not of an illegal nature, the access did constitute a breach of the Council's protocols governing the use of its IT equipment and the standards set out in Section 3 of the Members Code of Conduct.

Members were also reminded of the additional actions taken by Councillor Burston, set out in paragraph 7 of the report submitted, as referred to in his statement to the Council.

The action the Sub-Committee could take, following a finding of a breach of the Code of Conduct, must also be proportionate taking account of the facts and circumstances of each individual case. A list of possible actions, although not exhaustive, was set out in paragraph 8 of the report. The Assistant Director confirmed that the Sub-Committee had no legal power to suspend or disqualify a Member from office.

Having presented the contents of the report, Members then asked questions of the Assistant Director, one of which related to whether any further checks had been made on Councillor Burston's computer usage. In response it was noted that a further check had been made in August and no inappropriate sites had been accessed since June, 2013. It was also confirmed that Councillor Burston did not have any other computer equipment, apart from that provided by the Council.

Councillor Burston then made a statement, in particular reiterating the full apology he had made to full Council and apologising to Members of the Sub-Committee and to IT and other Council staff for his actions resulting in the investigations carried out.

Following the statement made by Councillor Burston, Councillor Tyler asked a number of questions relating to computer usage. Councillor Burston confirmed that the images accessed from January to June, 2013 were the only images found on Council equipment.

Also, in relation to whether he had ever been spoken to by the Council, or his employer, if relevant, about accessing inappropriate websites, Councillor Burston replied that he had been made aware by his group personally about the accessing of inappropriate websites and that approximately ten years ago, the then Leader of the Council and the then Chief Executive had had a meeting with him about accessing images of a similar nature to those now referred to.

It was also clarified that no Council IT officers had raised anything with him on this matter.

In response to a question from the Chair whether he would be carrying on accessing inappropriate sites, Councillor Burston replied that he would not.

At the end of questions asked, Councillor Burston and the member of the public left the meeting, to enable the Sub-Committee to consider the information reported on and referred to at the meeting so that they might make a determination.

Having made a determination in this matter, Councillor Burston and the member of the public were invited to re-join the meeting and the Chair outlined the decision of the Sub-Committee to Councillor Burston.

RESOLVED

That, based on the investigation carried out, and the evidence before the Standards Sub-Committee, the Sub-Committee having found that his behaviour was highly inappropriate, but that he had shown remorse, voluntarily resigned from the Shadow Cabinet and relinquished his Member's Allowances for the rest of the year, authorise the Chair of the Audit and Standards Committee to send a formal warning letter to Councillor Burston.

The meeting ended at 6.55 p.m.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Wednesday 17th July, 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 and Wright

OFFICERS:-

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

12 **APOLOGY FOR ABSENCE**

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

13 **DECLARATIONS OF INTEREST**

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

Councillor Zada in Planning Application No P13/0542 (11 Gorsty Avenue, Brockmoor, Brierley Hill) as he knew the objectors.

Councillor J Martin in Planning Application No P13/0542 (11 Gorsty Avenue, Brockmoor, Brierley Hill) as he knew the objectors.

Councillor Wright in Planning Application No P13/0677 (7 Straits Road, Lower Gornal, Dudley) as he was acquainted with the applicant.

Councillor Wright in Planning Application No P13/0707 (39 Hillbrow Crescent, Halesowen) as he was a friend of the applicant.

Councillor Mrs Westwood in Planning Application No P13/0677 (7 Straits Road, Lower Gornal, Dudley) as the applicant was her employer.

Councillor Mrs Westwood in Planning Application No P13/0707 (39 Hillbrow Crescent, Halesowen) as she knew the applicant.

Councillor Casey in Planning Application No P13/0677 (7 Straits Road, Lower Gornal, Dudley) as he knew the applicant.

14 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 24th June, 2013, be approved as a correct record and signed.

15 CHAIR'S ANNOUNCEMENT

The Chair reported that an urgent additional report on an Article4(1) Direction to the site at The King Arthur would be considered at this meeting following agenda item No 7.

16 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 P13/0489 – Mr John Gilson – an objector and Mr Chana – an agent/applicant

Plan No P13/0542 – Ms Anila Razzaq – an objector

- (i) Plan No P13/0489 – Building Rear of Halesowen Post Office, 2 Halesowen Road, Halesowen – Change of use of Existing Building to Kitchen Internet Sales and Associated Storage and Distribution (B8) and Alterations to Elevations of Building (Amendment to Previously Approved Application P12/0139)

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

Having previously declared a non-pecuniary interest in the following item Councillor Zada vacated the Chair.

Councillor Casey in the Chair

- (ii) Plan No P13/0542 – 11 Gorsty Avenue, Brockmoor, Brierley Hill – Two Storey and Single Storey Rear Extension

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

Councillor Zada in the Chair

- (iii) Plan No P13/0244 – Sunrise Business Park, High Street, Wollaston, Stourbridge – Approval of Reserved Matters of Planning Approval P11/0106 for Erection of 150 No Dwellings, Internal Roads, Layout, Scale, Appearance, Landscaping, Associated Earthworks, Car Parking, Balancing Pond, River Works, Demolition and Other Ancillary Works Including an Electrical Sub-Station

Decision: Approved, subject to conditions, numbered 2, 3, 7 and 9, together with amended conditions, numbered, 1, 4 to 6, 8 and 10 and additional conditions, numbered 11 and 12, as follows:-

1. Plots 42-48 and 82-86 inclusive shall not be occupied until either domestic sprinklers have been installed within them or a fire hydrant installed in an appropriate location within the site, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The sprinklers shall thereafter be retained for the lifetime of the development.
4. No development shall commence to the east of the River Stour until details of the construction and design of the proposed bridge at the site 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.
5. No dwellings shall be occupied until details of the proposed vehicle restraint measures along the River Stour and the eastern side of the access road serving plots 1-21 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.
6. The development hereby permitted shall be carried out in accordance with the following approved plans: 800 rev d, 004 rev N, 005 rev F, 006 rev F, 008 rev D, 015 rev C, 016, 017, 018 rev A, 019 rev A, 020, 021 rev A, 024, 025, 026, 027, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 042 rev A, 043, 044, 045, 048 rev B, 049 rev B, 062 rev A, 063 rev A, 064 rev A, 066, 077, 078, 081 rev A, 082, 099 rev A, 100, 101, 102.

8. None of the apartments shall be occupied until details of the design, siting and appearance of the proposed bin stores have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.
 10. No development shall commence to the east of the River Stour until details of secure and undercover cycle parking facilities for the apartments in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the cycle storage facilities have been implemented in accordance with the approved details. The cycle parking shall thereafter be retained for the life of the development.
 11. No development shall commence until details of measures to be incorporated into plots 1-5, 23-24 and 49-54 to mitigate against the effects of road traffic noise have been submitted to and approved in writing by the Local Planning Authority. The measures shall include suitably enhanced window glazing for any habitable rooms which may be adversely affected by noise and details of any mechanical ventilation required to achieve suitable internal noise levels. The plots shall not be occupied until the approved measures have been incorporated into the buildings.
 12. No development shall commence until details of structures, adjacent or abutting or supporting the proposed or existing access roads or proposed or existing Highway have been submitted to and approved in writing by the Local Planning Authority. No part of the development will be occupied until these have been implemented in accordance with the approved details and shall thereafter be maintained for no other purpose for the life of the development.
- (iv) Plan No P13/0375 – Land at Delph Road, Brierley Hill – Demolition of Existing Factory Building and Erection of 96 No Dwellings with Ancillary Works
-

Decision: Approved, subject to the following:-

- (1) The applicant entering into a Section 106 Legal Agreement to provide six affordable two-bedroom dwelling units.
- (2) The applicant entering into a Section 278 Agreement under the 1980's Highways Act to provide:-

1. Highways Works pursuant to Condition 24 and
 2. A Traffic Regulation Order at the applicants cost to prohibit the parking of vehicles at the junction with Delph Road.
- (3) Conditions numbered 1 to 22 and 25 to 26 (inclusive), as set out in the report submitted, together with the deletion of the condition, numbered 27, amended conditions, numbered 23 and 24 and additional condition, numbered 28, as follows:-
23. The development hereby permitted shall be carried out in accordance with the following approved plans:
BH/LP/100/01 rev B, BH/LP/100_NM/03,
BHL/2013/SEC/02, BH/100/17, BH/100/18,
BH/2013/SEC/01, BH/100/18(1), BH/100/19(1),
BH/100/20(1)A, BH/100/20A, BH/100/19(3),
BH/100/19, HWL 046-01, BH/2013/SEC/03,
BH/100/19(2), BH/100/17(1), BH/100/10, BH/100/11,
BH/2013/100/20, BH/2013/100/21, P/ENG.2, P/ENG.3.
 24. No development shall commence until details of the construction of a footway to full industrial carriageway specification along the adopted length of Anchor Hill from Delph Road in a southerly direction to link to the emergency access to the site, have been submitted to and approved in writing by the Local Planning Authority. The details shall include lines widths, levels, gradients, cross sections, long sections, drainage and lighting. No more than 50% of the approved dwellings be occupied until these works have been implemented in accordance with the approved details which shall be maintained thereafter for no other purpose for the life of the development.
 28. No development shall commence until details of any structures adjacent or abutting or supporting the proposed or existing access roads or proposed or existing Highway have been submitted to and approved in writing by the Local Planning Authority. No part of the development will be occupied until these have been implemented in accordance with the approved details and shall thereafter be maintained for no other purpose for the life of the development.
- (v) Plan No P13/0490 – Land Adjacent to 14 Granville Drive, Kingswinford – Erection of 1 No Dwelling

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

- (vi) Plan No P13/0547 – 44 Olive Hill Road, Halesowen – Two Storey Side and Single Storey Rear Extension and New Front Porch

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

- (vii) Plan No P13/0572 – 59 Northfield Road, Netherton, Dudley – Creation of 3 No Flats (Resubmission of Previously Withdrawn Application P13/0348)

In considering this application Members expressed concerns about inadequate parking and overdevelopment.

Decision: Refused, for the reasons as set out below:-

1. The development does not make provision for any off-street parking, this would result in potential for additional on-street parking on Northfield Road to the detriment of highway safety. As such it would be contrary to saved UDP policy DD4 of and the Parking Standards SPD.
2. The conversion of the building to 3 flats would amount to overdevelopment of the site, providing an unsatisfactory level of accommodation and a poor quality of private outdoor amenity space, which is harmful to the residential amenity of the occupiers. As such the development is contrary to saved UDP Policy DD4, the New Housing Development SPD and Planning Guidance Note 24 - Residential Flat Conversions.

- (viii) Plan No P13/0580 – 9 Fairfield Road, Dudley – Erection of Single Storey Side/Rear Extension and Raised Decking Area at Rear of Dwelling (Retrospective) (Resubmission of Withdrawn Application P13/0161)

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

Having previously declared non-pecuniary interests in the following item Councillors Casey and Mrs Westwood withdrew from the meeting and rejoined following its consideration.

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

Decision: Deferred to the meeting of the Committee to be held on 27th August, 2013 to enable the applicant time to address issues as raised in the report.

- (x) Plan No P13/0707 – 39 Hillbrow Crescent, Halesowen – Single Storey Rear Extension
-

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

17 4 CHERRY TREE LANE, HALESOWEN

A report of the Director of the Urban Environment was submitted seeking approval to not pursue formal enforcement action regarding the dwelling house at 4 Cherry Tree Lane, Halesowen.

RESOLVED

That formal enforcement action be not pursued in relation to the current height of the trellis fencing at 4 Cherry Tree Lane, Halesowen.

18 2 CHERRY TREE LANE, HALESOWEN

A report of the Director of the Urban Environment was submitted seeking approval to not pursue formal enforcement action regarding the dwelling house at 2 Cherry Tree Lane, Halesowen.

RESOLVED

That formal enforcement action be not pursued in relation to the storage of the shipping container and motor vehicles in connection with the residential property at 2 Cherry Tree Lane, Halesowen.

19 PROPOSAL TO APPLY AN ARTICLE 4(1) DIRECTION TO THE SITE AT THE KING ARTHUR, PRIORY ROAD, DUDLEY, WEST MIDLANDS, DY1 4DS TO WITHDRAW PERMITTED DEVELOPMENT RIGHTS GIVEN UNDER PART 31, CLASS A (ANY BUILDING OPERATION CONSISTING THE DEMOLITION OF A BUILDING) OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED)

A report of the Director of the Urban Environment was submitted informing the Committee of the making of a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 so that the demolition of the Locally Listed Heritage Asset, The King Arthur at Priory Road, Dudley (HBSMR 12899; identified in Figure 1 appended to the report) requires the benefit of planning consent.

RESOLVED

That the decision of the Cabinet Member for Regeneration in approving the following be noted:-

- (1) To make an immediate Direction under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995 (as amended), which would remove permitted development rights under Schedule 2, Part 31, Class A (Any building operation consisting the demolition of a building) from the site at The King Arthur, Priory Road, Dudley, West Midlands, DY1 4DS (identified in Figure 1 appended to the report). The Direction to be served with immediate effect, in accordance with Article 6;
- (2) To serve notice of the Direction in accordance with Article 5;
- (3) To submit a copy of the Director to the Secretary of State in accordance with Article 6(2).
- (4) To delegate authority to the Director of the Urban Environment to confirm the order within the required 6 month period post service.

The meeting ended at 7.25 pm.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Monday 5th August, 2013 at 6.00 pm
in the Council Chamber, The Council House, Dudley

PRESENT:-

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

OFFICERS:-

Mr N Howell, Mr I Hunt, Mr N Powell, Mr D Owen, Mrs A Roberts, Mrs S Willetts (all Directorate of the Urban Environment), Mrs S Ahmed-Aziz and Mrs M Johal (Directorate of Corporate Resources)

20 **APOLOGY FOR ABSENCE**

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

21 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor Mrs Ameson had been appointed as a substitute member for Councillor C Wilson for this meeting only.

22 **DECLARATIONS OF INTEREST**

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

Councillor Zada in Planning Application No P13/0542 (11 Gorsty Avenue, Brockmoor, Brierley Hill) as he knew the objectors.

Councillor J Martin in Planning Application No P13/0542 (11 Gorsty Avenue, Brockmoor, Brierley Hill) as he knew the objectors.

Councillor Wright referred to Planning Application No P12/1054 – (Former Gala Bingo Club, Castle Hill, Dudley) and indicated that he wished it to be recorded that he was a Trustee of the Black Country Museum.

Councillor Perks in Planning Application No P13/0591 (63 Platts Crescent, Amblecote, Stourbridge) as she knew the objectors.

23 MINUTES

RESOLVED

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

24 SITE VISITS

Consideration was given to the following planning applications in respect of which Members of the Committee had undertaken a site visit earlier that day.

- (i) Plan No P13/0490 – Land Adjacent to 14 Granville Drive, Kingswinford – Erection of 1 No Dwelling

Members that had been involved in the site visit expressed concerns about highway safety in accessing the site from the rear and the limited amenity space.

Decision: Refused, for the following reason:-

The development provides an inadequate level of parking provision and the compromised parking layout/design which would result in potential indiscriminate parking around the main highway. This is considered detrimental to highway safety in this location and contrary to policies HOU2, CSP4 of the Black Country Core Strategy (BCCS) 2011 and Policy DD4 of the Saved Unitary Development Plan (UDP) 2005.

Having previously declared a non-pecuniary interest in the following item Councillor Zada vacated the Chair.

Councillor Casey in the Chair

- (ii) Plan No P13/0542 – 11 Gorsty Avenue, Brockmoor, Brierley Hill – Two Storey and Single Storey Rear Extension

Members that had been involved in the site visit expressed concerns and considered that the development would be oppressive and have an adverse impact to a neighbouring property. It was also considered that the height level differences were also inappropriate given the relationship of the two properties.

Decision: Refused, for the following reason:-

The proposed two storey and single extension is considered detrimental on the outlook of the neighbouring property. This harm is emphasised by the relationship and angle of the two properties and the height difference between the plots. The proposed extension would be considered contrary to the provisions of policy DD4 of the Saved Unitary Development Plan (UDP) 2005 and Planning Guidance Note 17 House Extension Design Guide.

Councillor Zada in the Chair

25

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 P13/1054 – Dr Paul Collins – an objector

Plan No P12/0591 – Mr S Sharples – an objector and Mr Kevin Boote – an agent/applicant

Plan No P13/0620 – Councillor Gaye Partridge – in support of Officer's recommendation and Mr Taj – an agent/applicant

- (i) Plan No P12/1054 – Former Gala Bingo Club, Castle Hill, Dudley – Demolition of Former Gala Bingo Building and Formation of Car Park and Associated Landscaping

Decision: That consideration of this application be deferred pending further information.

- (ii) Plan No P12/1074 – Former Gala Bingo Club, Castle Hill, Dudley – Demolition of Former Gala Bingo Building and Formation of Car Park and Associated Landscaping

Decision: That consideration of this application be deferred pending further information.

Having previously declared a non-pecuniary interest in the following item Councillor Perks withdrew from the meeting and rejoined following its consideration.

- (iii) Plan No P13/0591 – 63 Platts Crescent, Amblecote, Stourbridge –
Part A: Installation of External Cladding to the Walls of the Building
Part B: Change of use of the Building from a Bungalow (C3) to a
Café (A3) and the Installation of Two Extraction Flues on the Front
Elevation (Retrospective)
-

Members considered comments made by the objector in that the café would generate additional traffic particularly late at night due to the opening hours and that users would park on the road. Members also considered the comments made by the applicant in that the bungalow had been vacant for some time, was in disrepair and unsafe. The applicant further clarified the opening hours and stated that he had no intention of opening late at night.

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

11. Within one month of the date of the approval of this application a scheme for the removal and replacement of the cladding around the building and which continues as a form of frontage boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within three months of the date of the approval of this planning application and thereafter retained for the lifetime of the development.

- (iv) Plan No P13/0620 – Land at Balds Lane, Lye, Stourbridge – Part A:
2.4M High Palisade Fencing and Gates (Retrospective)
Part B: Change of use from B2 (General Industry) to Dismantling and
Storage of Cars (Sui Generis). Erection of Storage Unit and Access
and Parking
-

Decision:

1. That Part A of the application in respect of the 2.4M high palisade fencing and gates, be refused for the reason as set out in the report submitted.
2. That Part B of the application for change of use from B2 (General Industry) to dismantling and storage of cars (Sui Generis) and erection of storage unit and access and parking, be approved subject to conditions, numbered 1 to 16 (inclusive), as set out in the report submitted.

- (v) Plan No P13/0565 – King Edward VI College, Lower High Street, Stourbridge – Demolition of Single Storey Rear Extension of 9-11 Coventry Street and Erection of Two Storey Art Block
- Decision: Approved, subject to conditions, numbered 1 to 25 (inclusive), as set out in the report submitted.
- (vi) Plan No P13/0589 – 72 and Land Adjacent to 72 Vicarage Road, Halesowen – Conversion of 72 Vicarage Road, Halesowen into 2 No Apartments and Following Demolition of Existing Car Mechanical Garage, Erection of 1 No Block to Create 8 No Apartments with Associated Parking. (Resubmission of Withdrawn Application P12/0601)
- Decision: Approved, subject to conditions, numbered 1 to 21 (inclusive), as set out in the report submitted.
- (vii) Plan No P13/0622 – 99 Cole Street, Netherton, Dudley – Conversion of Dwelling House into 2 No Self Contained Flats with Provision of Entrance Door to Side Elevation and First Floor Rear Window
- Decision: That consideration of this application be deferred pending further information to clarify the parking layout.
- (viii) Plan No P13/0657 – Asda Store, Daisy Street, Bilston – Variation of Planning Approval P12/1097 to Allow Materials to be Delivered to or Despatched from the Premises Only Between the Hours of 1100 Hours and 1500 Hours on Sundays or Public Holidays
- Decision: That the application be temporarily approved for twelve months and to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted.
- (ix) Plan No P13/0658 – Summerhill School, Lodge Lane, Kingswinford – Erection of a Multi Use Games Area with Associated Floodlighting and Fencing
- Decision: Approved, subject to conditions, numbered 1 to 16 (inclusive), as set out in the report submitted.
- (x) Plan No P13/0679 – Land Rear of Dudley Sixth, 3A Ednam Road, Dudley – Erection of 2 Storey (D1) Educational Building with Associated Landscaping
- Decision: Approved, subject to conditions, numbered 1 to 9 (inclusive), as set out in the report submitted.
- (xi) Plan No P13/0710 – Land to the Rear of 17 Brook Street, Wordsley, Stourbridge – Erection of 4 No Garages

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

- (xii) Plan No P13/0727 – 4 Briston Close, Brierley Hill – Erection of 2 No Two Storey Side Extensions (Part-Retrospective) (Resubmission of Withdrawn Application P13/0066)

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

The meeting ended at 8.05 pm.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Tuesday 27th August, 2013 at 6.00 pm
in the Council Chamber, The Council House, Dudley

PRESENT:-

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

OFFICERS:-

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

26 APOLOGY FOR ABSENCE

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

27 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor K Turner had been appointed as a substitute member for Councillor C Wilson for this meeting only.

28 DECLARATION OF INTEREST

In accordance with the Members' Code of Conduct, Councillor J Martin declared a non-pecuniary interest in Planning Application No P12/1287 (Brierley Hill Freight and Steel Terminal, Moor Street, Dudley) as he was a registered objector and he left the meeting during consideration of the item.

29 MINUTES

RESOLVED

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

30

SITE VISIT

Consideration was given to the following planning application in respect of which Members of the Committee had undertaken a site visit earlier that day.

Plan No P13/0727 – 4 Briston Close, Brierley Hill – Erection of 2 No Two Storey Side Extensions (Part-Retrospective) (Resubmission of Withdrawn Application P13/0066)

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

31

PLANS AND APPLICATIONS TO DEVELOP

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

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

Plan No P12/1287 – Councillor Zafar Islam (Ward Councillor) and Mr Timothy Lee – objectors and Dr Nick Davey – an agent/applicant

Plan No P13/0860 – Councillor Lynn Boleyn (on behalf of applicant) – a supporter

Plan No P13/0870 – Mrs Armfield – on behalf of the applicant

Plan No P13/0875 – Mrs Gwen Harthill – an objector and Miss J Mackintosh – an agent/applicant

Plan No P13/0917 – Mr Lance Cartwright – an objector and Mr K Perry – an agent/applicant

Plan No P13/0973 – Mr Lance Cartwright – an objector and Mr Philip Fellows – an agent/applicant

- (i) Plan No P13/1287 – Brierley Hill Freight and Steel Terminal, Moor Street, Brierley Hill – Demolition of Existing Buildings. Erection of an Advanced Conversion Technology (Act) and Anareobic Digestion (AD) Facility Comprising of a Pyrolysis Plant, Digestion Facility and Education Centre with Parking, Landscaping, Retaining Structures and Associated Works

Decision: Refused, for the following reason:-

The proposed application site would be located within 20m of existing residential development and is likely to be close to future residential development. A significant consideration when assessing the application is policy WM4 of the Black Country Core Strategy which requires waste operations to be compatible with neighbouring uses. Similarly Saved Policy DD5 of the Dudley Unitary Development Plan requires new industrial development to safeguard the amenity and environmental quality of adjacent residential areas. In this case the site is located close to residential properties and as such there is a likelihood that the amenity enjoyed by the occupiers of those dwellings could be adversely affected by odour associated with the proposed waste operation, and as such the site is not considered to be an appropriate location for the proposed use. The proposed development is therefore contrary to Policy WM4 of the Black Country Core Strategy, together with Saved Policies DD4 and DD5 of the Dudley Unitary Development Plan.

- (ii) Plan No P13/0860 – 128 Albion Street, Wall Heath, Kingswinford – Fell 1 Sycamore Tree

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

- (iii) Plan No P13/0870 – 46 Redlake Drive, Pedmore, Stourbridge – Fell 2 Cedar Trees

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

- (iv) Plan No P13/0875 – 25 Cottage Street, Kingswinford – Change of use to Care Home (C2)

Decision: That the application be approved for a temporary period of 2 years and subject to conditions, numbered 1 to 4 and 6 (inclusive), as set out in the report submitted, together with an amended condition, numbered 5, as follows:-

5. There shall be no more than two children receiving care and residing within the premises at any one time for the life of the development. For the avoidance of doubt the two children shall be aged 16 years or younger unless otherwise agreed in writing by the Local Planning Authority.

- (v) Plan No P13/0917 – 6 Jardine Close, Amblecote, Stourbridge – Fell 1 Hawthorn Tree; Fell 1 Sycamore Tree; Fell 1 Goat Willow Tree; Corwn Reduce 1 London Plane by 2M on House Side; Crown reduce 1 Cypress by 50%

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

- (vi) Plan No P13/0973 – 4 Jardine Close, Amblecote, Stourbridge – Fell 2 Poplar Trees; Prune 1 Poplar; Prune 1 Conifer Tree

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

- (vii) Plan No P13/0718 – 44 Love Lane, Oldswinford, Stourbridge – Fell 1 Yew Tree; Crown Lift and Reduce 1 Hornbeam Tree; Crown Lift 1 Yew Tree

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

- (viii) Plan No P13/0729 – 19,21,23,31, 37, 41 and 50 Greenway, Sedgley, Dudley – Thin Beech Trees at Numbers 19, 21, 23, 31 and 37 Greenway by 10% Crown Lift by 5.5 Metres and Prune; Thin Beech Trees at Numbers 41 and 50 by 20%, Crown Lift by 5.5 Metres and Prune (9 trees in Total)

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

- (ix) Plan No P13/0763 – Alder Coppice Woodland (Adjacent 9 Melford Close), Sedgley – Fell 4 Oak Trees: Fell 1 Crab Apple Tree: Prune 1 Ash Tree and Remove Hazel from G2

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

- (x) Plan No P13/0887 – 248 Northway, Sedgley, Dudley – Enclosure of the Side Garden Area with 2M High Fencing

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

- (xi) Plan No P13/0918 – Tree Outside 14 Greenway, Trees Side of 11,16,17 and 18 Greenway, Sedgley, Dudley – 2 Lime Trees – O/S Numbers 14 and 18 – 10% Thin, Crown Lift to 5.5M and Crown Clean
1 Lime Tree – O/S Number 16 – 20% Thin and Crown Lift to 5.5M
1 Lime Tree – O/S Number 17 – 10% Thin, Crown Lift to 5.5M and Remove Epicormic Growth to 5.5M
1 Lime Tree O/S Number 11 – 20% Thin, Crown Lift to 5.5M and Remove Epicormic Growth to 5.5M
-

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

- (xii) Plan No P13/0930 – 7 Marylebone Close, Amblecote, Stourbridge – Fell 1 Ash Tree
-

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

The meeting ended at 8.05 pm.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Monday 16th September, 2013 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Zada (Chair)
Councillors A Ahmed, Hale, J Martin, Roberts, K Turner, Mrs Westwood and Wright

OFFICERS:-

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

32 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Casey, Perks and C Wilson.

33 **APPOINTMENT OF SUBSTITUTE MEMBERS**

It was reported that Councillors K Turner and Hale had been appointed as substitute members for Councillors C Wilson and Perks respectively for this meeting only.

34 **DECLARATION OF INTEREST**

In accordance with the Members' Code of Conduct, Councillor Wright declared a non-pecuniary interest in Planning Application No P13/1101 (North and South Bound Tipton Road, Dudley) in view of him being a Trustee of the Black Country Living Museum.

35 **MINUTES**

RESOLVED

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

SITE VISIT

Consideration was given to the following planning application in respect of which Members of the Committee had undertaken a site visit earlier that day.

Plan No P13/0917 – 6 Jardine Close, Amblecote, Stourbridge – Fell 1 Hawthorn Tree; Fell 1 Sycamore Tree; Fell 1 Goat Willow Tree; Crown Reduce 1 London Plane by 2M on House Side; Crown Reduce 1 Cypress by 50%

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

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 P13/0825 – Mr Palak – an objector and Mr Hugh Gore – an agent/applicant

Plan No P13/0894 – Mr Plaister – a supporter

Plan No P13/0931 – Mrs Leadbetter – an objector

- (i) Plan No P13/0825 – 54 Halesowen Road, Halesowen – Single Storey Front Extension, Front Porch and Canopy Roof, First Floor Rear Extension
-

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

- (ii) Plan No P13/0894 – 36 Highfield Road, Sedgley, Dudley – Fell 1 Lime Tree
-

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

- (iii) Plan No P13/0931 – Hayley Group PLC Site 2 (Hayley), Shelah Road, Halesowen – Provision of 2 No Air Conditioning Condenser Units (Retrospective)

The Committee considered points made by the objector in that residents were concerned about the saleability of neighbouring properties, it was a requirement for air conditioning units to be regularly maintained as it could lead to health problems, the inappropriate location of the units as they were visible from their bedroom and kitchen windows, noise pollution and of the total disregard as the units had been erected without planning permission.

Members considered that the units were detrimental to residential amenity and also expressed concerns about the noise.

Decision: Refused, for the following reason:-

The development would result in a detrimental impact on the amenities of the occupiers of neighbouring residential properties through noise disturbance and in a detrimental impact on the visual appearance of the streetscene. As such the proposal would be contrary to Policy DD5 of the Saved Unitary Development Plan.

- (iv) Plan No P13/0515 – Vacant Land North of Darkhouse Lane, Coseley – Residential Development (Outline) (Access to be Considered) (Resubmission of Withdrawn Application P12/0807)

Decision: Approved, subject to the following:-

- (a) The applicant entering into a Section 106 Agreement for an education contribution (to be calculated at the relevant reserved matters stage), on site public open space (to be calculated at reserved matters stage, and if the land is to be passed to DMBC instead of a management company), the provision of up to 25 percent affordable housing units (exact number, location, type and tenure to be calculated/agreed at the relevant reserved matters stage and a monitoring and management charge.
- (b) Conditions, numbered 1 and 2, 4 to 10, 12 to 22, 25 and 27 to 34 (inclusive), as set out in the report submitted, together with the deletion of conditions, numbered 23 and 26, an amended condition, numbered 11, revised conditions, numbered 3 and 24 and additional conditions, numbered 35 to 38, as follows:-
 3. The reserved matters proposals for this site shall be in general accordance with the design and access statement and the indicative site layout plan AAH5028-01B, 0933-01A, 0933-02 and 933-02D submitted in support of this outline application.

11. Prior to commencement of the development an acoustic bund and barrier scheme shall be constructed in the location as indicated on the indicative site layout plan AAH5028-01B and in accordance with the recommendations of the noise report DMA6872 ENV D both submitted with the application. The structure shall be of minimum height 8 metres measured from the finished slab level of the closest residential plot. Details of the final scheme shall be agreed in writing with the Local Planning Authority. The barrier and bund shall be retained throughout the life of the development.

24. No development shall commence until full details of the Highway Works as shown on Drawings, 0933-01A, 0933-02 and 933-02 D to include:
Development access and visibility splay of 2.4m x 59m to be provided prior to first occupation as indicated on drawing 933-01 A.
Footway widening and kerb build outs in Darkhouse Lane adjacent to junction with Siddons Road to include a No Entry (Prohibition of Driving Order), Traffic Regulation Order, Prohibition of Waiting Traffic Regulation Order as shown on drawing number 933-02D.
Junction Improvement at Darkhouse Lane/Havacre Lane to include kerb build outs and footway widening as shown on drawing number 933-02D.
Mini Island junction improvement at Ivyhouse Lane, Fullwoods End and Tunnel Street as shown on indicative drawing number 933-02.
A footway/cycleway connecting sustainable link from the north of the site to Anvil Crescent have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the highway works have been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

35. All plots shall have internal layouts that ensure no bedroom windows have a direct line of sight to Darkhouse Lane unless otherwise agreed in writing by the Local Planning Authority.

36. 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 requirement 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.

37. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Darkhouse Lane, Coseley, Dudley, Ref: AAH5028, RPS, March 2012) and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off back to equivalent greenfield rates
 2. Provision of a suitable Sustainable Drainage Systems (SUDS) design with sufficient storage of surface water for the 1 in 100 yr plus climate change storm event for the site.
 3. Provide suitable drainage at the foot of the bunded features.
38. The development hereby permitted shall not be commenced until such time as a scheme to show how the drainage system will be managed and maintained following completion of the works has been submitted to and approved in writing by the Local Planning Authority. The scheme, as agreed, shall be implemented on site prior to first occupation of the dwellings and thereafter maintained for the lifetime of the development.

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

- (v) Plan No P13/0852 – 36 Brook Crescent, Stourbridge – Change of use from Dwelling House to 2 No Flats with Two Storey Side Extension

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

- (vi) Plan No P13/0967 – Greencare Depot, Lawnswood Road, Dudley – Erection of a Single Storey Building for use as a Vehicle and Equipment Storage Facility

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

- (vii) Plan No P13/0989 – Shop, 637 Birmingham New Road, Coseley – Change of use of Vacant Retail Unit (A1) on Ground Floor and Vacant Residential Unit (C3) on First Floor to Hot Food Takeaway (A5) with a Two Storey Rear Extension, Proposed Fume Extraction, Cold Room Compressor and New Shop Front

Decision: Approved, subject to conditions, numbered 1 and 3 to 7 (inclusive), as set out in the report submitted, together with an amended condition, numbered 2 and additional conditions, numbered 8 and 9, as follows:-

2. The development hereby permitted shall be carried out in accordance with the following approved plans: C4873-A5-05 Rev A, C4873-A5-02 Rev A and the specification of plant and filters as set out in documents entitled Compressor: Karbox 2464, Extract Fan : Vent-Axia – Black Sabre Slim case sickle fans, Fresh Air Intake : Air Vent Technology – Water heated air handling unit, Fresh Air Intake; Jasun Filtration PLC – Type 90 panel Filter and Canopy Filters; Jasun Filtration PLC Model GF mesh Grease Filters. The equipment shall thereafter be maintained in accordance with the manufacturer’s instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority.
8. Prior to the commencement of the proposed extension hereby permitted, intrusive site investigation works shall take place to determine whether remedial work is required with respect to historic unrecorded mining activities. The results of the site investigation works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the extension hereby permitted. Should the site investigation works confirm that remedial work is required the remediation measures shall be submitted to and approved in writing by the Local Planning Authority alongside the results of the site investigation works prior to the commencement of the extension hereby permitted. The scheme shall be implemented in accordance with the approved details.
9. The rating level of noise emitted from any fixed plant and/or machinery associated with the development shall not exceed background noise levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 60 minute LA90 at the nearest noise sensitive premises) and shall not exceed the background noise level between 2300-0700 (taken as a 5 minute LA90 at the nearest noise sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments.

Where access to the nearest noise sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest noise sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

- (viii) Plan No P13/1003 –Unit 4, Winwood Court, Norton Road, Stourbridge – Change of use from Tattoo Studio to Café (A3)

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

- (ix) Plan No P13/1040 – Land to the Rear of 228-234 Stourbridge Road, Halesowen – Approval of Reserved Matters for Erection of 3 No Dwellings (Following Outline Approval P09/0940/E1)

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

- (x) Plan No P13/1101 – North and South Bound Tipton Road, Dudley – Display of Non-Illuminated Lamp Post Banner Signs

Decision: Approved, subject to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted, together with a revised condition, numbered 7, as follows:-

7. This consent hereby permits the display of non-illuminated lamp post banner signs measuring 2.2m high by 0.78m wide and set 2.8m above ground level on 24 lighting columns along Tipton Road, which shall be sited a minimum of 450mm from edge of the carriageway. Prior to the display of any signage, the location of such shall be submitted to and agreed in writing by the Local Planning Authority. The signage shall hereafter be displayed in such location unless otherwise agreed in writing by the Local Planning Authority.

The meeting ended at 7.35 pm.

CHAIR

LICENSING SUB-COMMITTEE 1

Tuesday 10th September, 2013 at 10.00 am
in Committee Room 1, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillors Blood and Mrs H Turner

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 28th May, 2013, be approved as a correct record and signed.

11 APPLICATION FOR REVIEW OF PREMISES LICENCE –
SUPERSAVE, 79 RUSSELLS HALL 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 Supersave, 79 Russells Hall Road, Dudley.

Mrs S Akhtar, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together with her representative, Mrs G Sharratt, Licensing Matters; Mr H Khan, Manager; and Mr R Khan, employee.

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

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

Mr King then presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the serious undermining of the licensing objective, namely, the prevention of crime and disorder due to the poor management of the premises following the discovery of counterfeit alcohol for sale on 26th September, 2012 and 4th July, 2013 in direct contravention of the licensing objectives.

Mr King further stated that on 26th September, 2012, during a routine inspection, an officer found six 1ltr and eleven 70cl bottles of High Commissioner Whisky, together with 1ltr and five 70cl bottles of Glens Vodka offered for sale at the premises. The bottles were seized as it was suspected they were counterfeit.

A second inspection of the premises on 4th July, 2013, together with officers from West Midlands Police, found three 1ltr and five 70cl bottles of High Commissioner Whisky, together with two 1ltr and two 70cl bottles of Glens Vodka offered for sale at the premises. These bottles were seized as it was suspected that they were counterfeit.

Prior to leaving the premises, the officers present requested that the owner of the business, Mr R Khan, who was not present at the time of the inspection, submit receipts relating to the purchase of the seized spirits.

The manufacturer of the spirits had confirmed that although the bottles were genuine, they were found to have counterfeit duty paid labels fixed to the rear so as to avoid the excise duty payable to HMRC.

It was also noted that the cases and bottles would not be available through the normal secure supply chain and reputable Cash and Carry outlets and would have been obtained on the black market. The duty evasion from the two seizures was in the region of £290.

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

In responding to a question by a member, it was noted that following the two seizures in September, 2012 and July, 2013, there was no contact between Trading Standards and Mrs Akhtar, and that no receipts had been submitted on either occasion despite a request to do so following both seizures.

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

WPC Lees further stated that complaints had been heard by local residents in regard to anti social behaviour outside the premises, and that the local Neighbourhood Team patrolled the area due to the location being renowned for attracting local youths around the outside of the premises and intimidating local residents, some of whom were seen to be drinking alcohol however there was no evidence to suggest that the alcohol had been purchased at the premises.

In responding to a question by Mrs Sharratt, Mr King clarified the definition of counterfeit goods, and in doing so confirmed that the review was based on alcohol that was produced for export, where it was evident that the correct labels had been removed.

In responding to a question by Mrs Sharratt, Mr Wintrip confirmed that during the investigation following the seizures, the manufacturer was able to identify the goods seized from a 'lot number', which were listed on the bottles.

In responding to a question by Mrs Sharratt, Mr King stated that counterfeit goods would not have the fiscal mark on the label, and that although it would be difficult for an average person to identify whether the goods were genuine, a purchaser in the alcohol trade should have some understanding.

At this juncture, a number of High Commissioner Whiskey bottles that were seized during September, 2012 from the premises were tabled to highlight how they were identified as counterfeit.

In responding to a question by Mrs Sharratt in relation to the lack of contact from Trading Standards to Mrs Akhtar following the seizures, Mr Wintrip confirmed that he had presented a trading notice, which requested that Mrs Akhtar contact Trading Standards within seven days. He also stated that he was able to identify immediately that the bottles were counterfeit, however this needed clarification in order to present to the hearing.

In responding to a question by the Chair, Mrs Sharratt accepted that Mrs Akhtar, as Premises Licence Holder, was fully responsible.

Mrs Sharratt then presented the case on behalf of Mrs Akhtar, and in doing so stated that the premises was a family run business and all employees were family members. She also stated that since 2006, following a test purchase exercise which resulted in a sale being made to a child, there were no issues or problems, and that Mrs Akhtar had a good working relationship with the authorities.

Mrs Sharratt further stated that Mrs Akhtar wished to maintain her business and that the concept of bottle labels and non-duty labels were difficult to understand. She also stated that the seized bottles were purchased over the counter, and that the majority of stock was usually bought from various cash and carry outlets.

Mrs Sharratt commented that there was lack of training available in respect of counterfeit labels and goods, and that the savings made from the duty evasion from the two seizures, being in the region of £290, was not a 'massive' amount, and that Mrs Akhtar and her employees had made a mistake.

Mrs Sharratt further stated that she considered that Trading Standards were un co-operative and very hard-line when discussing the review, and that she was concerned that photographs or any further evidence had not been submitted in order to aid the Sub-Committee in reaching it's decision.

It was further noted that should the Sub-Committee be minded to revoke or suspend the premises licence, then this could affect the business and although Mrs Sharratt accepted that a mistake had been made, she did not accept that Trading Standards provided sufficient advice or support to Mrs Akhtar.

Mrs Sharratt further stated that Mrs Akhtar was in agreement with the conditions suggested by Trading Standards, and suggested that if the Sub-Committee was concerned with the management of the premises to include conditions such as, the removal of the Designated Premises Supervisor and the implementation of training.

In responding to a question by the Chair, it was confirmed that Mr H Khan had purchased the counterfeit bottles from two gentlemen who entered the premises. Mr Khan stated that he was presented with a receipt from a book, which he then placed on a pile of other receipts to submit to the accountant.

Following further discussion, it was noted that the premises could no longer locate the receipts for the counterfeit bottles. In responding to a question by Mr King in regard to why no contact had been received by Mrs Akhtar despite a request to do so, Mrs Akhtar responded that she had forgotten and mislaid the trading notice, which had been given to her by officers.

Arising from comments made by Mrs Sharratt, Mr King stated that Trading Standards had been co-operative and the misunderstanding between the agencies involved had been the result of a breakdown in communication.

Reference was made to a training document titled " The Awareness of Illicit and non duty paid Alcohol", developed by Licensing Matters, which could be implemented at the premises to assist in the training of employees.

In responding to a question by Mr Wintrip, Mrs Akhtar confirmed that she operated the business alongside her brothers, and that she had not worked at the premises for a long period of time due to childcare commitments.

In summing up, Mr King, on behalf of Trading Standards, stated that during an investigation at the premises counterfeit alcohol was discovered for sale on 26th September, 2012 and 4th July, 2013 and legal requests were made for the submission of receipts, which Mrs Akhtar had failed to do. He further stated that he did not believe Trading Standards to be hard-line, but that they were fair and proportionate.

In summing up, Mrs Sharratt on behalf of Mrs Akhtar, stated that she did not disagree with the facts presented, as it had been demonstrated that the bottles were counterfeit, however the hearing was to ensure that the licensing objectives would be upheld. She further stated that Mrs Akhtar accepted all the conditions suggested, and assured the Sub-Committee that it would not occur again.

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

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

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the premises licence issued to Supersave, 79 Russells Hall Road, Dudley be suspended for a period of four weeks, and that Mrs Akhtar be removed as the Designated Premises Supervisor.

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

Conditions

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

REASONS FOR DECISION

This review has been brought due to the business, Supersave, purchasing alcohol from persons calling at the business, without appointment, and selling alcohol over the counter at a price cheaper than the business could purchase it at one of the cash and carry stores that it usually used. Having had twenty-three bottles of Whisky and Vodka seized on 26th September, 2012, the business bought further alcohol from the same source, and twelve bottles were seized on 4th July, 2013.

It is accepted on behalf of Supersave that whilst the alcohol itself is genuine, the labels relating to duty paid in the UK are counterfeit. The Sub-Committee has viewed the bottles from the first batch seized and observed that the lot numbers were incorrect and the labels were crinkly and not properly applied. The Sub-Committee accepts that an ordinary person would probably not notice that the labels were counterfeit, but it is clear that a person in the alcohol trade, should have had suspicions about the legitimacy of the product because of the fact that 1) it was not bought from a reputable cash and carry and 2) the price was cheaper than the cash and carry price. Despite the fact that Trading Standards did not follow up their first seizure, which this Sub-Committee thinks it should have done, the business then purchased a further twelve bottles (at least) from the same source and still did not retain the receipt, despite being asked to produce a receipt on the first seizure in September, 2012. The business could not really explain how it had not maintained a paper system of recording its purchases and monitoring receipts for VAT purposes. The system did not improve from the first seizure, and the Sub-Committee finds that this business is not being run in a way that meets the licensing objective of preventing crime and disorder. The business practice has been naïve at the very least, and the second seizure of counterfeit alcohol is representative of negligent practice.

The Sub-Committee is not satisfied that the Designated Premises Supervisor has taken responsibility for this business and did state that she forgot to contact trading standards about the receipts and left the purchasing to her two brothers. The Sub-Committee is not satisfied that she understands and manages this business safely in order to meet the licensing objectives. It takes the step of removing Mrs Safina Akhtar as the Designated Premises Supervisor.

The Sub-Committee also takes the step of suspending the premises licence for four weeks, to enable a new Designated Premises Supervisor to be appointed, with appropriate training, in order to manage these premises in accordance with the licensing objectives, and to ensure that all staff are aware of the nature of counterfeit alcohol and are clear that no alcohol will be purchased from any source other than a reputable source. In order to strengthen the operation of Supersave, the two conditions recommended by trading standards will be added to the premises licence. These have been accepted by Supersave.

12

APPLICATION FOR REVIEW OF PREMISES LICENCE –
COSELEY MINI MARKET, 22 YEW TREE LANE, COSELEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Coseley Mini Market, 22 Yew Tree Lane, Coseley.

Mrs K Dubb, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together with her Solicitor, Mr P Atkins, and her husband, Mr Dubb.

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, Office of Public Health; and WPC N Lees and a colleague from West Midlands Police.

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

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

Mr King informed the Sub-Committee that on 26th June, 2013, a fourteen 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.

On 28th June, 2012, an officer from Trading Standards carried out a visit to the premises and spoke to a Amrev Dubb, a family member of Mrs Dubb. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, and Amrev Dubb was given detailed advice including information in respect of acceptable proof of age and the importance of keeping a refusals register. Amrev Dubb was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card. He was also requested to ensure that it was brought to the attention of the Licensee and owner of the business to ensure that all staff were aware of their obligations under the Licensing Act 2003, Mr Dubb also signed an ARP form 0553 to acknowledge receipt of the information pack during the visit.

Mr King further stated that on 26th June, 2013, Trading Standards together with West Midlands Police, carried out a test purchasing 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 fourteen year old male test purchaser volunteer purchased a bottle of Bacardi Breezer 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 N Dubb, which was witnessed by the officer. Miss Dubb was cautioned but made no reply, and was issued with a Fixed Penalty Notice.

On inspection of the premises, it was noted that there were age restricted products poster on display including "Challenge 21" and "No I.D, no sale", however a refusals register could not be found.

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.

WPC Lees then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had carried out checks on the police systems and that there was no recent intelligence in relation to underage sales at the premises or any issues such as anti-social behaviour or incidents in the area.

Arising from comments made, Mr Atkins stated that following the test purchase exercise on 26th June, 2013, the Police revisited the store and were satisfied that the CCTV in the store was acceptable provided the monitor was repaired or replaced.

In responding from a question by the Chair, Mrs Dubb confirmed that Miss N Dubb, who made the sale to the child, was her younger daughter.

In responding to questions asked by Mr Atkins, Mrs Dubb informed the Sub-Committee that she had operated at the premises for twenty years, and had been transferred as Premises Licence Holder in 2010. She further stated that her husband and two daughters were employed at the premises, and that her daughter was very shocked and stressed following the sale on 26th June, 2013.

Arising from comments made by Mr King in respect of the refusals register, Mrs Dubb confirmed that the refusals register was placed by the till, however at the time her daughter could not locate it, and it was not maintained. She further stated that all employees have been made aware of their responsibility of maintaining the register.

At this juncture, the refusals register was circulated at the meeting, which identified entries following the test purchase in June, 2013.

Mrs Akhtar further stated that employees would regularly request identification, and that they had not failed a test purchase exercise prior to June, 2013.

It was further noted that Mrs Akhtar's two daughters completed an online training course providing basic knowledge and understanding of their responsibilities and duties when engaged in the sale of alcohol under the Licensing Act 2003. She further stated that additional posters was now displayed at the premises including, Challenge 25 and in respect of buying alcohol for others.

At this juncture, a discussion was had in respect of the conditions suggested by Trading Standards, where all parties agreed on minor amendments to prevent any misunderstanding.

In responding to a question by Mr King, Mrs Dubb confirmed that the Fixed Penalty Notice had been paid.

Ms McNulty 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.

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 Coseley Mini Market, 22 Yew Tree Lane, Coseley : -

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 the premises licence in respect of Coseley Mini Market, as a result of a failed test purchase, conducted on 26th June, 2013m by Trading Standards. The sale was made to a fourteen year old test purchaser by Miss Neelam Kaur Dubb. A fixed penalty notice was issued to her. She is the daughter of the Designated Premises Supervisor / Premises Licence Holder. The fixed penalty notice has been paid.

It was noted that Challenge 21 and “No ID, No Sale” posters were on display, but that a refusals register was not available. Miss Neelam Kaur Dubb could not locate it but the Premises Licence Holder/Designated Premises Supervisor stated today that it was by the till, but not maintained.

Coseley Mini Market produced evidence that the Police had subsequently re-visited the store and were satisfied that the CCTV in the store was acceptable provided the monitor was repaired or replaced.

The Premises Licence Holder has accepted the conditions to be imposed on the premises licence, with some minor alterations, which have been accepted by Trading Standards.

The Sub-Committee finds that the imposition of the conditions is an appropriate and proportionate response to this under age sale, addresses the problem identified and maintains compliance with licensing objectives of Safeguarding Children and preventing crime and disorder.

The Sub-Committee notes the representations from Public Health and takes these very seriously.

The meeting ended at 12.45 pm

CHAIR

LICENSING SUB-COMMITTEE 3

Tuesday 16th July, 2013 at 10.05 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor K Finch (Chair)
Councillors Sykes and Perks

Officers

Mr R Clark (Legal Advisor), Mr T Parkes (Licensing Clerk) and Miss L Taylor (Directorate of Corporate Resources).

1. APOLOGY FOR ABSENCE

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

2. APPOINTMENT OF SUBSTITUTE MEMBER

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

3. DECLARATIONS OF INTEREST

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

4. MINUTES

RESOLVED

That, the minutes of the meeting held on 15th January, 2013, be approved as a correct record and signed.

5. APPLICATION FOR REVIEW OF PREMISES LICENCE – HARVESTIME GENERAL STORES, 35/37 LANGLAND DRIVE, SEDGLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Harvestime General Stores, 35/37 Langland Drive, Sedgley.

Mr Harpreet Sangarah, Designated Premises Supervisor, and Mr Randeep Sangarah, Premises Licence Holder were both in attendance, along with Mr John Edwards, Solicitor.

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 Natalie Lees and Ms Amanda Baldwin both Licencing Officers of West Midlands Police Authority and Ms D McNulty, Dudley Public Health.

Mr T Parkes, Enforcement Officer, 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 undermining of the two licensing objectives, namely, the prevention of crime and disorder and the protection of children from harm.

Mr King informed the Sub-Committee that on 24th April, 2013, a sixteen year old child test purchaser had been sold alcohol from the premises by a Mr Randeep Sangarah, the Premises License Holder.

On the 21st March, 2013, officers from Dudley Trading Standards carried out a visit to the premises and spoke to Miss Gemma Jones, a shop assistant at the premises.

At the time neither Mr Harpreet or Randeep Sangarah were present at the premises.

The purpose of the visit was to provide advice about preventing underage sales of age restricted products. Miss Jones was given detailed advice including information about acceptable proof of age and the importance of keeping a refusals register. Miss Jones was given an advice pack relating to the sale of age restricted products and was asked to ensure that it was brought to the attention of Harpreet and Randeep Sangarah to ensure that all staff were aware of their obligations under the Licensing Act 2003. The pack contained an advice booklet, a proof age of age poster and a sample PASS (proof of age) card. Ms Jones signed ARP form 0825 to acknowledge receipt of the pack.

It was confirmed that it was Mr Randeep Sangarah who served the test purchaser. Mr R Sangarah was issued with a Fixed Penalty Notice.

On inspection of the premises it was established that there were age restricted products posters on display including "Challenge 25", however Mr R Sangarah was unable to produce the Refusals Register when asked to do so.

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 additional conditions had been circulated to all parties prior to the meeting.

Ms N Lees highlighted representations made by the West Midlands Police Authority, and in doing so explained that there had been no information or intelligence of drink related anti-social behaviour in the area.

In presenting the case on behalf of Mr Harpreet and Randeep Sangarah, Mr Edwards explained that the shop usually works to a high standard in relation to age restrictions, and have adjusted their opening times to 8.00pm to aid in lowering late night drinking and undesirable behaviour.

Mr Edwards, acknowledged and accepted the report presented by Trading Standards. It was also accepted that Mr R Sangarah made the sale.

It was also highlighted that the refusals register was in fact on the premises, however Mr R Sangarah's wife, the manager of the store, had temporarily moved it, having been unaware of the importance of keeping the Register by the till.

Mr Edwards made clear to the Sub-Committee that since the failed test-purchase, steps have been taken to ensure that this will remain an isolated incident.

Mr Harpreet and Randeep Sangarah both apologised for this incident and acknowledged their responsibility in this matter.

It was requested that a copy of the Refusals Register be circulated to the Sub-Committee. Mr Edwards provided this document.

After further discussion it was

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 the Harvestime General Stores, 35/37 Langland Drive, Sedgley.

Conditions

- (1) A written Proof of Age Policy is to be put in force, which all staff authorised to sell alcohol shall be trained in and adhere to. Valid proof of identification will only include passport, photographic driving license or a Proof of Age Standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.

- (2) A Challenge 25 policy will be operated at the premises whereby any individual attempting to purchase alcohol who appears to be under 25 years of age will be asked to provide valid identification to prove they are 18 years or older. All staff must be made aware of and trained in this policy.
- (3) Publicity materials notifying customers of the operation of the “Challenge 25” scheme shall be displayed at the premises, including a “Challenge 25” sign of at least A4 size at each point of sale.
- (4) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
- (5) A 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 PLH shall check the book once a week ensuring it is completed and up-to-date. The PLH will sign the book each time it is checked. This book shall be made available for inspection by an officer of any responsible authority on demand.
- (6) CCTV to be in place at the premises to the specifications of the West Midlands Police – Crime Reduction Officer so that the alcohol display area and 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 within 24 hours.
- (7) The premises’ CCTV shall be reviewed on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (8) All persons engaged to sell alcohol must complete a training programme, which includes a written test, to verify their competency, prior to them being authorised to sell alcohol.
- (9) 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 review shall be recorded in writing.
- (10) A file shall be maintained at the premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 9. This file shall be available for inspection by an officer of any responsible authority upon request.

Following careful consideration of the information contained within the report and as reported at the meeting, the Sub-Committee will modify the conditions of the premises licence in order to prevent the premises further undermining the licensing objectives.

The Sub-Committee is satisfied that implementing the 10 conditions will prevent the premises from undermining the licensing objectives, in particular the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee re-enforces the fact that the Designated Premises Supervisor and the Premises Licence Holder has a very important role in the selling of alcohol and therefore needs to be aware of and fully understand the ramifications of selling to under age children.

6. APPLICATION FOR REVIEW OF PREMISES LICENCE – SELECT & SAVE (FORMALLY 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 Select & Save, 7 Bilston Street, Sedgley.

Mr and Mrs Ralhan (Formerly known as Miss Devi) were in attendance, along with Mr Ragesh, Licensing Representative.

It was noted that Mr T Premakumar, Designated Premises Supervisor, was not in attendance.

Mr T Parkes, Enforcement Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

After a short discussion it was

RESOLVED

That, the application be deferred to a future meeting of a Sub-Committee pending clarification on the correct details of the Premises Licence Holder.

7. APPLICATION FOR A PREMISE LICENCE – 35 CHURCH STREET, PENSNETT, DUDLEY

A report of the Director of Corporate Resources was submitted to consider an application for the grant of a Premises Licence in respect of the premises known as 35 Church Street, Pensnett, Dudley.

Mr S Mahmmud, the Applicant, was in attendance.

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 Natalie Lees and Ms Amanda Baldwin both Licensing Officers of West Midlands Police Authority and Mrs Susan Kowolik – Objector, along with 3 members of the public.

Mr T Parkes, Enforcement Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Mr C King presented the representations of Trading Standards, and in doing so outlined the causes for concern in relation to this application that had been circulated to Members prior to the meeting. He also referred to the objections and further information received from West Midlands Police Authority.

Additional information was brought to the Sub-Committee's attention by Mr King and was circulated to the applicant before it was considered as a further objection to the application.

Mr Mahmud then presented his representations and in doing so outlined his intention for the property. In response to the police evidence discussed by Mr King, Mr Mahmud replied that he felt that to his knowledge there was no evidence of illegal behaviour in his other stores, and stated that his intention was to run the shop as a local convenience store.

Mr Mahmud highlighted the five year tenancy agreement to the Sub-Committee, and in doing so explained that he would accept any conditions onto the licence and only intended to trade up until 21.00.

Mr Wintrip, Trading Standards, asked for clarification on who was the current landlord at the property. It was believed that the previous owner of the shop was now the landlord, and Mr Wintrip raised concerns relating to information circulated prior to the meeting.

At this juncture, Mr Mahmud produced a petition in support of the shop. This was circulated to Trading Standards and objectors for approval before it was distributed for consideration by the Sub-Committee.

Following further discussion it was

RESOLVED

That, the application for a premises licence in respect of the premises known as 35 Church Street, Pensnett, Dudley, be refused.

Reason For Decision

This is an application for a new premises licence in respect of the premises known as 35 Church Street, Pensnett, Dudley. Mr Mahmud gave evidence that he entered into a tenancy of the premises for 5 years believing that it had a premises licence. He made the assumption, he said, based on the fact that it was selling alcohol when he visited the premises in December 2012. What is clear is that the premises licence had been revoked due to underage sales in summer 2012. There had also been 229 police logs relating to 35 Church Street relating to anti-social behaviour generally.

Mr Mahmud has not persuaded the Sub-Committee that he has considered the history of this store, and its previous premises licence, and the many issues of the under age sales and anti-social behaviour. It is clear that he did not make sufficient checks in relation to the existence of a premises licence and therefore, he did not have a clear business plan that would ensure that the licensing objectives were clearly and carefully considered. The proposed operating schedule lacks detail and refers to a Challenge 21 policy. Dudley MBC operates a Challenge 25 policy and it is therefore clear that he had not researched his business plan prior to making his application on 22nd May 2013. In oral evidence he stated that he would “even introduce a ‘Challenge 25’ policy”. This statement reveals that he believes this to be a very high target rather than a national standard. This did not convince the Sub-Committee that he was prioritising the Protection of Children from Harm. The operating schedule also contains statements that are more appropriate to a public house, i.e. ‘Persons leaving the premises quietly’ and ‘no sales of alcohol in open containers’, than a shop. Again, this does not convince this Sub-Committee that Mr Mahmud has created an operating schedule that will prevent anti-social behaviour and protect young persons from harm.

In the case of this premises and it’s history and location, the Sub-Committee would expect a very high standard of business planning and operating.

For these reasons the Sub-Committee refuses this application for a premises licence.

Meeting ended at 13.20

CHAIR

LICENSING SUB-COMMITTEE 3

Tuesday 20th August, 2013 at 1.10 pm
in Committee Room 3, The Council House, Dudley

PRESENT:-

Councillor K Finch (Chair)
Councillors Bills and Sykes

Officers

Mr R Clark (Legal Advisor), Mr T Parkes (Enforcement Officer) and Mrs K Taylor (Directorate of Corporate Resources).

8. APOLOGY FOR ABSENCE

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

9. APPOINTMENT OF SUBSTITUTE MEMBER

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

10. DECLARATIONS OF INTEREST

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

11. MINUTES

RESOLVED

That the minutes of the meeting held on 16th July, 2013, be approved as a correct record and signed.

12. APPLICATION FOR REVIEW OF PREMISES LICENCE – CRYSTAL NEWS AND OFF LICENCE (ALSO KNOWN AS WORDSLEY NEWS AND BOOZE), 1 KINVER STREET, WORDSLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Crystal News and Off Licence (also known as Wordsley News and Booze), 1 Kinver Street, Wordsley.

Mr C S Randhawa, Premises Licence Holder, and Mr A Curtis, Solicitor, 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, and PC A Baldwin, Licensing Officer of West Midlands Police.

Following introductions, Mr Curtis requested the submission of further information, specifically a one-page document outlining a business lease agreement. All parties agreed to the request made.

Mr T Parkes, Enforcement Officer, 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 undermining of the licensing objective, namely, the prevention of crime and disorder, due to the poor management of the premises following the discovery of counterfeit alcohol for sale on 10th October, 2012 and 16th May, 2013 in direct contravention of the licensing objectives.

Mr King confirmed that the current Premises Licence Holder was Mr Randhawa, and a Mr Afzal was the Designated Premises Supervisor.

On 10th October, 2012, during a routine inspection, an officer found three 1ltr bottles of Glens vodka and one 70cl bottle of High Commissioner whiskey offered for sale at the premises. The bottles were seized as it was suspected that they were counterfeit.

A second inspection was undertaken on 16th May, 2013 which found four 1ltr bottles of High Commissioner whiskey, two 70cl bottles of High Commissioner whiskey and two 70cl bottles of Glens vodka offered for sale at the premises. The bottles were seized as it was suspected that they were counterfeit, together with a hand written sign advertising the 70cl bottles of Glens vodka for sale at £8.99 a bottle.

It was noted that the advertised price of the Glens vodka was considerably cheaper than other retail outlets in the borough, and according to one specialist wine and spirits merchant, it would not be possible to purchase the vodka for that price from a cash and carry warehouse.

The manufacturer of the spirits had confirmed that although the bottles contain genuine whiskey and vodka, they were originally meant for the export market and not for sale in this country. The bottles were found to have counterfeit duty paid labels fixed to the rear so as to avoid the excise duty payable to HMRC.

Requests have been made to Mr Afzal, Designated Premises Supervisor, to contact Trading Standards to discuss the seizures, however Mr Afzal had failed to do so.

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 additional conditions had been circulated to all parties prior to the meeting.

PC Baldwin then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had carried out checks on the police systems and that there was no recent intelligence in relation to underage sales at the premises or any issues such as anti-social behaviour or incidents of crime in the area.

Mr King clarified that the seized goods were designed for export, and that similar incidents were increasing within the trade. He also stated that when a premises had goods seized on two occasions a review of the premises licence would be brought to a Sub-Committee.

In responding to a question by a member, Mr King stated that counterfeit goods would not have the fiscal mark on the label, however it would be difficult for customers to identify whether the goods were genuine. He also stated that a wholesale purchaser would know that the bottles were not from a legitimate source.

Mr Curtis then presented the case on behalf of his client, Mr Randhawa, and in doing so informed the Sub-Committee that Mr Randhawa was the owner of the building and leased the premises to Mr Afzal, and therefore he was not involved in the operation of the business. It was noted that there was currently a civil dispute between Mr Randhawa and Mr Afzal.

Mr Curtis stated that Mr Randhawa's priority was to protect the licence for future leaseholders, and that an application was ongoing to transfer the lease.

It was noted that Mr Randhawa had owned the building since 1990, which also included a residential area above the premises, and that revocation or additional conditions attached to the premises licence could cause difficulty in leasing the premises in future, as without the licence it would not be a viable business.

Mr Curtis further stated that Mr Afzal was responsible for the operation of the business and had exclusive possession, and that if needed Mr Randhawa would transfer the Designated Premises Supervisor licence to him.

In responding to a question by a member, Mr Randhawa confirmed that he had not visited the premises in over a year, and was shocked when he received a letter notifying him of the seizure of counterfeit bottles.

In responding to a question by a member, Mr Curtis confirmed that Mr Randhawa owned and leased a number of properties, but had no involvement with the businesses.

In responding to a question in relation to Mr Afzal, Mr Curtis stated that Mr Afzal was a personal licence holder, and a formal lease agreement was agreed between Mr Afzal and Mr Randhawa. Mr Randhawa confirmed that he did not previously know Mr Afzal when he approached Mr Randhawa in respect of the premises.

Following comments made, Mr King stated that he did not dispute the comments made by Mr Curtis and Mr Randhawa.

In responding to a question, Mr Randhawa stated that he had attempted to contact Mr Afzal following the seizures, and that he was still working at the premises.

In responding to a question by a member, Mr Randhawa stated that he was aware of the seizures when he received a letter in June, 2013, and that he contacted Mr Afzal who stated that he had contacted Trading Standards to clarify the labels on the bottles, and informed Mr Randhawa that the matter had been dealt with.

In concluding, Mr Curtis stated that if the Sub-Committee did not agree to remove Mr Afzal as the Designated Premises Supervisor, then Mr Randhawa would appoint himself as DPS until the tenancy was transferred to a potential new business occupier. He also stated that Mr Randhawa was not responsible for the operation of the business.

Following all comments, the Legal Advisor stated that the Sub-Committee would determine the application made on the information submitted and comments made at the meeting by all parties, and that any decision made should determine actions that are appropriate for the promotion of the licensing objectives.

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

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

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the premises licence issued to Crystal News and Off Licence (also known as Wordsley News and Booze), 1 Kinver Street, Wordsley be suspended for a period of six weeks.

REASONS FOR DECISION

This is an application for a review of a premises licence, where the Premises Licence Holder has attended and the Designated Premises Supervisor has not. It is not clear that the Designated Premises Supervisor, Mr Afzal, knows about the date of this Sub-Committee, or that his designation as Designated Premises Supervisor is in jeopardy.

The facts are in agreement; they are that in October, 2012 and May, 2013 the premises was found to be selling vodka and whiskey that should not have been sold in the United Kingdom, because the labels had been counterfeited to indicate that appropriate duty had been paid. It had not. The Sub-Committee heard evidence that a purchaser would not notice the counterfeit labels, but that a wholesale purchaser would have known that the bottles were not from a legitimate source, and that the price was too low to be legitimate. Further, the same products were purchased for the shop in 2013, when the products had been removed in October 2012.

The Premises Licence Holder has indicated that he is in negotiation with Mr Afzal for him to transfer the business as a going concern. If necessary he also indicated that he would appoint himself as Designated Premises Supervisor under his personal licence.

The Sub-Committee accepts that the facts appear to indicate that the purchase of counterfeit alcohol was the responsibility of Mr Afzal as Designated Premises Supervisor, and owner of the business, but it is concerned that the Designated Premises Supervisor has not been able to put his case to this Sub-Committee. To remove him as Designated Premises Supervisor, without notice, and without giving him a chance to put his case forward, would have a very significant impact on his business, in breach of his rights to natural justice.

The Sub-Committee therefore suspends the premises licence for a period of six weeks. This to enable Mr Randhawa to negotiate with Mr Afzal for the transfer of the business, and if necessary, for Mr Randhawa to appoint himself as Designated Premises Supervisor.

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

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

It was noted that the Premises Licence Holder was not in attendance at the meeting, and a request had been received by his representative to adjourn the hearing, given that all parties that were responsible for the day to day running of the premises were on a pre booked holiday throughout August.

RESOLVED

That, consideration of the application made for the review of the premises licence in respect of Sandhars Supermarket, 69 Wellington Road, Dudley be deferred to a future meeting of a Sub-Committee.

14. APPLICATION FOR REVIEW OF PREMISES LICENCE – SELECT AND SAVE (FORMERLY KNOWN AS KINGSWAY STORES), 7 BILSTON STREET, SEDGLEY

A report of the Director of the Corporate Resources was submitted on an application for the review of the premises licence in respect of Select and Save (Formerly known as Kingsway Stores), 7 Bilston Street, Sedgley.

Mrs R Ralhan, Premises Licence Holder, together with her husband, Mr R Ralhan, and Mrs Hussain, Representative, 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 PC A Baldwin, Licensing Officer of West Midlands Police Authority.

Following introductions by the Chair, Mr T Parkes, Enforcement Officer, 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 24th April, 2013, a sixteen year old child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives.

On 8th January, 2013, an officer from Trading Standards carried out a visit to the premises and spoke to Mrs Ralhan, who stated that she was the joint owner of the business with her husband. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, information in respect of acceptable proof of age and the importance of keeping a refusals register. Mrs Ralhan was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card. It was reported that during the course of this visit, Mrs Ralhan signed an ARP 00772 form to acknowledge receipt of the information pack.

It was noted that on 16th January, 2013, a tobacco test purchase exercise was conducted at the premises which did not result in a sale.

Mr King further stated that on 24th April, 2013, Trading Standards together with West Midlands Police, carried out a test purchasing 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 sixteen year old male test purchaser volunteer purchased four cans of Foster lager 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 Mrs Ralhan. It was noted that Mrs Ralhan's husband was also present at the time, and that she made no relevant comment after being cautioned after the alleged offence was pointed out to her.

On inspection of the premises, it was noted that there was a 'Challenge 25' poster displayed but no other Age Restricted Product literature was evident, and that the Refusals Register, which was issued on 8th January, 2013, was found to be unused and still in the envelope it was provided in.

Mrs Ralhan 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.

PC Baldwin then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had carried out checks on the police systems and that there was no recent intelligence in relation to underage sales at the premises or any issues such as anti-social behaviour or incidents of crime in the area.

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, was the sale of alcohol to underage young people considered to be very serious and supported the recommendation to revoke or suspend the premises licence.

Mrs Hussain then presented the case on behalf of Mr and Mrs Ralhan, and in doing so stated that that the premises was a family-run business, and that although Mrs Ralhan accepted responsibility for the sale of alcohol to a child, she was upset and distracted at that time due to her mother being admitted to hospital.

Mrs Hussain further stated that Mrs Ralhan had implemented a number of measures in accordance with the proposed conditions suggested by Trading Standards.

Mr Ralhan stated that he understood the mistake made, and that he had increased his hours working at the premises to a full-time basis.

In responding to a question, the refusals register was circulated at the meeting, and Mr Ralhan confirmed that the Fixed Penalty Notice was paid the day following the sale on 24th April, 2013.

Following the representations of Trading Standards, Councillor Bills highlighted the importance of operating a refusals register, in particular that it should remain by the register at all times in order to enter any refusals immediately.

In responding to a question by the chair in respect of the proposed additional conditions submitted by Trading Standards, Mrs Hussain confirmed that Mr and Mrs Ralhan were in agreement with the proposals.

In responding to a question, Mr Ralhan confirmed that both he and Mrs Ralhan worked at the premises on a full-time basis, and a member of staff who was a personal licence holder worked weekends only.

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

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

RESOLVED

That, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of Select and Save (formerly known as Kingsway Stores), 7 Bilston Street, Sedgley: -

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 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' CCTV shall be reviewed on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.
- (6) 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

This is a review brought by Trading Standards, for a failed test purchase on 24th April 2013, by the premises licence holder, Mrs Ruma Ralhan.

The Sub-Committee heard this review on 16th July, 2013, and deferred the matter, due to a confusion as to who the premises licence holder was. It has now been confirmed that there was a typographical error by the licensing office, and that Mrs Ruma Ralhan is the premises licence holder. She was previously known, prior to marriage, as Ms Devi.

The sale is not disputed. Mrs Ralhan apologises for this. Her mitigation today is that her mother was ill and taken to hospital in April 2013 and that she was upset and distracted. The premises did refuse to sell tobacco to a test purchaser in January, 2013. However, at the test purchase on 24th April, 2013, the refusals register provided by Trading Standards was unopened in its envelope.

Mr and Mrs Ralhan have today agreed to the licence conditions put forward by Trading Standards.

The Sub-Committee has decided that this under age sale could have been prevented by proper use of a refusals register and competent management of the premises. It therefore takes the step of imposing the proposed conditions upon the premises licence.

The Sub-Committee accepts that the sale of alcohol to young persons is a very serious matter in terms of their health and development.

15. APPLICATION FOR A LICENSED PREMISES GAMING MACHINE PERMIT – THE LUTLEY OAK, 327 STOURBRIDGE ROAD, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the grant of a Licensed Premises Gaming machine permit for three machines in respect of the Lutley Oak, 327 Stourbridge Road, Halesowen.

Ms L Bayliss, Account Manager from Gamestec, and Ms S Hayder, Manager of The Lutley Oak, were in attendance at the meeting.

Following introductions by the Chair, Mr T Parkes, Enforcement Officer, Directorate of Corporate Resources, presented the report on behalf of the Council.

Ms Bayliss made her own representations and in doing so outlined the recent refurbishment of the premises, and that the main reason for the application was following an increase in demand.

After a short discussion, it was

RESOLVED

That the application made for the grant of a licensed premises gaming machine permit for three gaming machines in respect of The Lutley Oak, 327 Stourbridge Road, Halesowen, be granted.

16. APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – BREAST CANCER (INTERSECOND LTD) “DO NOT DELAY”

A report of the Director of Corporate Resources was submitted on application for the grant of a House to House Collections Licence in respect of Breast Cancer (Intersecond Ltd) “Do Not Delay”.

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 Breast Cancer (Intersecond Ltd) “Do Not Delay” be deferred to a future meeting of the Sub-Committee when the applicant shall attend the meeting and prior to that meeting supply the information contained in Section 2 (f) of the House to House Collections Act, 1939, and that should the applicant fail to attend the Sub-Committee the application be heard in absence.

Meeting ended at 3.40 pm

CHAIR

LICENSING SUB-COMMITTEE 4

Tuesday 27th August, 2013 at 10.15 am
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Roberts (Chair)
Councillors Perks and Woodall

Officers: -

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

8 DECLARATIONS OF INTEREST

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

9 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 18th June, 2013, be approved as a correct record and signed.

10 APPLICATION FOR REVIEW OF PREMISES LICENCE – NICK'S CONVENIENCE STORE (ALSO KNOWN AS COSTCUTTER), 71 BATH 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 Nick's Convenience Store (also known as Costcutter), 71 Bath Street, Sedgley.

Mr N Gill, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together with a supporter, Mrs P Gill.

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 PC A Baldwin and a colleague from West Midlands Police.

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

Ms McNulty 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.

PC Baldwin then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had carried out checks on the police systems and that there was no recent intelligence in relation to underage sales at the premises or any issues such as anti-social behaviour or incidents in the area.

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 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 14th June, 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.

On 21st March, 2013, an officer from Trading Standards carried out a visit to the premises and spoke to Mr Gill. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Gill was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card. He was also requested to ensure that all staff were aware of their obligations under the Licensing Act 2003, Mr Gill also signed an ARP form 0841 to acknowledge receipt of the information pack during the visit.

Mr King further stated that on 14th June, 2013, Trading Standards together with West Midlands Police, carried out a test purchasing 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 test purchaser volunteer purchased four cans of Holsten Pils lager with 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 Mr Gill.

On inspection of the premises, it was noted that there was one age restricted products poster on display stating "No I.D, no sale", and a refusals register under the counter, which had recent entries in it. Following caution, Mr Gill stated that "he had just made a mistake", and was 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.

Mr Gill then presented his case and in doing so stated that on 14th June, 2013, he was under pressure with his business and that he had an argument with his mother on the same day, therefore losing his concentration resulting in a sale being made.

Mr Gill further stated that following the sale, he felt very guilty as he felt that he had failed a number of people including family, customers, and the Council, and that there had been no problems or issues since he started his business.

Following comments made by Mr Gill, in particular that he had passed previous test purchase exercises, Mr King stated that there was no information or acknowledgement to indicate that test purchase exercises had been undertaken at the premises.

In responding to a question by the Legal Advisor, Mr Gill stated that he felt under pressure due to competition with other businesses, particularly since the opening of a Tesco Express store in close proximity of the premises.

In responding to a question by the Legal Advisor, Mr Gill confirmed that he was in agreement with the conditions suggested by Trading Standards, however he disputed conditions relating to Challenge 25, as he currently operated a Challenge 18 policy and he considered that by operating under Challenge 25 it would affect his business.

Following comments made in respect of the Challenge 25 policy, Mr King stated that although the preferred policy was Challenge 25, this was not a condition of licence for any premises.

Mr Gill further stated that he had implemented a number of items listed in the conditions, such as a monthly training programme for employees, a refusals register, a form for employees to sign to state that they were able to sell alcohol, and an alert installed on registers to highlight the need for identification when a tobacco or alcohol product had been scanned.

In responding to a question by the Chair, Mr Gill confirmed that there were four people employed at the premises, who were family members.

In responding to a question by the Chair, all parties 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.

At this juncture, Mr Gill informed the Sub-Committee that he was in agreement with all conditions suggested by Trading Standards, including those in relation to Challenge 25.

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 Nick's Convenience Store (also known as Costcutter), 71 Bath Street, Sedgley: -

Conditions

- (1) A written Proof of Age Policy is to be put in force, which all staff authorised to sell alcohol will be trained in and adhere to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.
- (2) A Challenge 25 policy will be operated at the premises whereby any individual attempting to purchase alcohol who appears to be under 25 years of age will be asked to prove they are 18 years or older. All staff must be made aware of and trained in this policy.
- (3) Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises, including a "Challenge 25" sign of at least A4 size at each point of sale.
- (4) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
- (5) A 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 on demand.
- (6) CCTV to be in place at the premises to the specifications of the West Midlands Police Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request within 24 hours.
- (7) The Premises' CCTV shall be reviewed on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of any responsible authority.

- (8) All persons engaged to sell alcohol must complete a training programme, which includes a written test, to verify their competency, prior to them being authorised to sell alcohol.
- (9) 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.
- (10) A file shall be maintained at the premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 9. This file shall be made available for inspection by any officer from a responsible authority upon request.

REASONS FOR DECISION

This is an application for a review of the premises licence as a result of a failed test purchase on 14th June, 2013. Mr Gill, who is the Premises Licence Holder and Designated Premises Supervisor made the sale to a fifteen year old without asking her any questions. In his evidence Mr Gill stated that he did not even look at the customer. He stated that he was under pressure with his business and had had an argument with his mother that day. Mr Gill expressed great remorse for the sale.

Mr Gill stated that he accepted the ten proposed conditions to be attached to his licence. He had some questions about the Challenge 25 Policy but did then accept this.

The Sub-Committee has decided that imposing the ten proposed conditions to the premises licence is proportionate to, and addresses the concerns raised by this underage sale of alcohol. The Sub-Committee notes and accepts the concerns expressed by Public Health.

11

APPLICATION FOR REVIEW OF PREMISES LICENCE – SUPER STOP, 135 PRIORY ROAD, DUDLEY

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

Mr T Raj, Premises Licence Holder was in attendance at the meeting.

Also in attendance were Mr C King, Principal Trading Standards Officer, the Directorate of the Urban Environment, and PC A Baldwin and a colleague from West Midlands Police.

It was noted that a request had been received by Mr Raj's legal representative, Mr Campbell, to adjourn the meeting as he was currently on annual leave. All parties agreed to the request made.

RESOLVED

That, consideration of the application made for the review of the premises licence in respect of Super Stop, 135 Priory Road, dudley be deferred to a future meeting of a Sub-Committee.

12

APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE – FORCES SUPPORT (RECYCLING SOLUTIONS (NORTH WEST) LIMITED)

A report of the Director of Corporate Resources was submitted to consider an application for the grant of a House to House Collections Licence in respect of Recycling Solutions North West Limited on behalf of the charity known as Forces Support.

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 Solutions North West Limited be deferred to a future meeting of a Sub-Committee when the applicant shall attend the meeting and prior to that meeting supply the information contained in Section 2 (f) of the House to House Collections Act, 1939, and that should the applicant fail to attend the Sub-Committee the application be heard in absence.

The meeting ended at 11.50 am

CHAIR

TAXIS COMMITTEE

Thursday, 4th July, 2013 at 5.30 p.m.
In Committee Room 3 at the Council House, Dudley

PRESENT:-

Councillor Body (Chair)
Councillor A Aston (Vice-Chair)
Councillors A Ahmed, Mrs Ameson, Cowell, Taylor and K Turner

Officers:-

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

14 APOLOGY FOR ABSENCE

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

15 DECLARATIONS OF INTEREST

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

16 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 30th May, 2013, be approved as a correct record and signed.

17 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.

Description of Item

Relevant paragraph of Part I of

Schedule 12A

| | |
|---|---|
| Review of Private Hire and Hackney Carriage Drivers' Licences – Mr MF | 1 |
| Review of Private Hire and Hackney Carriage Drivers' Licences – Mr AQ | 1 |
| Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr SA | 1 |
| Grant of Hackney Carriage Driver's Licence – Mr MS | 1 |
| Grant of Hackney Carriage and Private Hire Drivers' Licences – Mr AIS | 1 |

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

A report of the Director of Corporate Resources was submitted on a review of the private hire and hackney carriage drivers' licences issued to Mr MF in the light of a complaint received.

Mr MF was in attendance at the meeting. It was noted that the complainant, Mr B, was not in attendance at the meeting.

In responding to a question from the Chair, Mr MF stated that he did not agree with the statement provided by Mr B, although admitted parking in a disabled bay.

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

RESOLVED

That, following consideration of the information contained in the report submitted, and as reported at the meeting, Mr MF receive a very strong warning as to his future conduct in the light of the offences committed.

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

A report of the Director of Corporate Resources was submitted on a review of

the private hire and hackney carriage drivers' licences issued to Mr AQ in the light of the information contained in the report submitted.

The Assistant Director (Law and Governance) informed the Committee that he had received notification from Mr AQ's Solicitor, Mr Schiller, who stated that he would be unable to attend the Committee due to work commitments in London, and requested an adjournment in order to represent Mr MF.

In light of the request it was

RESOLVED

That consideration of the review of the private hire and hackney carriage drivers' licences issued to Mr AQ be adjourned to a future meeting of the Committee.

20

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

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

Mr SA was in attendance at the meeting together with his representative and responded to questions asked by the Committee.

RESOLVED

That, following careful consideration of the information contained in the report submitted and as reported at the meeting, Mr SA be given a further opportunity to take his test.

21

GRANT OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR MS

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

Mr MS was in attendance at the meeting and informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

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

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

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

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

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

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the application for the grant of a hackney carriage driver's licence in respect of Mr AIS be refused in view of the offence for which he had been convicted.

The meeting ended at 6.45 p.m.

CHAIR

TAXIS COMMITTEE

Tuesday, 6th August, 2013 at 5.30 p.m.
In Committee Room 3 at the Council House, Dudley

PRESENT:-

Councillor Body (Chair)
Councillor A Aston (Vice-Chair)
Councillors A Ahmed , Mrs Ameson, Cowell, Hemingsley, Roberts Taylor and
Vickers

Officers:-

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

Also in attendance:-

Mr A Harris, Civil Enforcement Officer (Parking) and Mr T. Trickett, Licensing
Enforcement Officer in respect of Agenda Item 8 – Review of Private Hire and
Hackney Carriage Drivers' Licences – Mr IA and Mr Trickett in respect of
Agenda Item 9 – Review of Private Hire and Hackney Carriage Drivers'
Licences – Mr AQ.

23 APOLOGY FOR ABSENCE

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

24 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor Vickers had been appointed as substitute
member for Councillor K Turner for this meeting only.

25 DECLARATIONS OF INTEREST

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

26 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 4th July
2013, be approved as a correct record and signed.

REVIEW OF PRIVATE HIRE / HACKNEY CARRIAGE VEHICLE LICENCE POLICY

A report of the Director of Corporate Resources was submitted on a review of the Council policy in respect of spare wheels carried by private hire and hackney carriage vehicles to amend the vehicle manufacture date to 01.01.2006.

Arising from the presentation of the report, the Chair stated that he supported the amendments suggested, however it should be noted that if a private hire and hackney carriage vehicle was driven on emergency or temporary replacement wheels and tyres then the driver was able to continue the journey, but would not accept new bookings.

During consideration of this matter, a discussion took place in respect of drivers failing to adhere to the condition, which would result in a serious breach, requiring them to attend the Committee. It was agreed that drivers who accepted new bookings whilst the vehicle was fitted with a space saver tyre, could result in a suspension of licence for a period of three months.

It was noted that a Member suggested that the letters circulated to drivers outlining the amendment of policy, should be displayed in every taxi base to remind drivers of the policy and consequences should there be any breaches.

Following further discussion it was

RESOLVED

That the terms of the review undertaken of the council's policy in respect of spare wheels carried by private hire and hackney carriage vehicles to amend the vehicle manufacture date to 01.01.2006, as set out in the report submitted, be approved.

EXCLUSION OF THE PUBLIC

RESOLVED

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

| <u>Description of Item</u> | <u>Relevant paragraph of Part I of Schedule 12A</u> |
|--|---|
| Review of Private Hire and Hackney Carriage Drivers' | 1 |

| | |
|---|---|
| Licences – Mr IA | |
| Review of Private Hire and Hackney Carriage Drivers' Licences – Mr AQ | 1 |
| Grant of Hackney Carriage Driver's Licence – Mr BA | 1 |
| Review of Private Hire Operator's Licence – Mr KA | 1 |
| Grant of Private Hire Driver's Licence – Mr MI | 1 |
| Review of Private Hire Driver's Licence – Mr RH | 1 |

29

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

A report of the Director of Corporate Resources was submitted on a review of the private hire and hackney carriage drivers' licences issued to Mr IA in the light of a complaint received.

Mr IA, together with his solicitor, Mr Schiller, and two witnesses, Mr Iqbal and Mr Khan were in attendance at the meeting.

Also in attendance was Mr A Harris, Civil Enforcement Officer (Parking) and Mr T. Trickett, Licensing Enforcement Officer.

In responding to a question from Mr Holder, all parties confirmed that their own statement presented by Miss Bangar was correct.

Mr Schiller made representations on behalf of his client, and in doing so asked a number of questions in respect of the incident on 5th June, 2013, to Mr Harris and the two witnesses in attendance at the meeting.

All parties responded to questions asked by the Committee, and arising from questions asked, it was confirmed by Mr IA that he was not disputing that he had parked on double yellow lines, but of the allegation of his conduct to Mr Harris.

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

RESOLVED

That, following consideration of the information contained in the report submitted, and as reported at the meeting, the private hire and hackney carriage drivers' licences issued to Mr IA be

suspended for a period of one month in the light of the complaint received.

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

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

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

Mr AQ was in attendance at the meeting, together with his Solicitor, Mr Schiller, and supporters. Also in attendance was Mr T Trickett, Licensing Enforcement Officer.

In responding to a question from Mr Holder, Mr Trickett confirmed that the information reported on was correct.

Mr Schiller made representations on behalf of his client and in doing so stated that Mr AQ was not using his mobile phone whilst driving, but holding his hand to his ear to activate his Bluetooth earpiece.

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

RESOLVED

That , following consideration of the information contained in the report submitted, and as reported at the meeting, Mr AQ receive a strong warning as to his future conduct in the light of the complaint received.

31 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 11, 13, 10 and 12

32 REVIEW OF PRIVATE HIRE OPERATORS LICENCE – MR KA

A report of the Director of Corporate Resources was submitted on a review of

the private hire operators licence issued to Mr KA in the light of the information contained in the report submitted.

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

Mr Schiller made representations on behalf of his client in particular commenting on the circumstances surrounding Mr KA's failure to renew his private hire operator's licence.

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

RESOLVED

That , following consideration of the information contained in the report submitted, and as reported at the meeting, Mr KA receive a strong warning as to his future conduct.

33

REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR RH

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr RH in the light of the offence committed as indicated in paragraph 3 of the report submitted.

Mr RH was in attendance at the meeting, together with a supporter, and responded to questions asked by the Committee.

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

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr RH receive a strong warning as to his future conduct.

34

GRANT OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR BA

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

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

Mr Schiller made representations on behalf of his client in particular commenting on the circumstances surrounding incidents that occurred in September 2009 and March 2010.

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

RESOLVED

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

35

GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR MI

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

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

Mr Schiller made representations on behalf of his client in particular commenting on the circumstances surrounding an incident in August, 2007.

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

RESOLVED

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

The meeting ended at 8.15 p.m.

CHAIR

ERNEST STEVENS TRUSTS MANAGEMENT COMMITTEE

Wednesday, 31st July, 2013 at 6.00pm
Committee Room 1, The Council House, Dudley

PRESENT:-

Councillor Cowell (Chair);
Councillor Hanif (Vice-Chair);
Councillors Kettle, Partridge, Mrs Rogers and Sykes

OFFICERS

Assistant Director of Law and Governance (Lead Officer), Solicitor,
Democratic Services Manager and Principal Tax Accountant (Directorate
of Corporate Resources)

1 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of
Councillor C Wilson.

2 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor Kettle was serving in place of Councillor C
Wilson for this meeting of the Committee only.

3 DECLARATIONS OF INTEREST

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

Councillor Mrs Rogers – Non-pecuniary interests as Chair of the Friends
Group for Mary Stevens Park and Swinford Common. Also in relation to
her involvement with the Project Implementation Team - Heritage Lottery
Bid for Mary Stevens Park and attendance at stakeholder meetings.

Councillor Mrs Rogers – Agenda Item No. 8 (Stevens Park and Recreation
Ground Foundation Trust – Grant Application) - Non-pecuniary interest
as she had attended the Annual General Meeting at the Alderman Tye
Scout and Guide Headquarters, South Road, Stourbridge. Other
members of the Committee indicated that they had also received an
invitation to this meeting.

Councillor Hanif - Non-pecuniary interest as an attendee at stakeholder meetings and Friends of Parks Groups.

Councillor Partridge – Non-pecuniary interest as an attendee at Friends of Parks Groups meetings.

4 MINUTES

RESOLVED

That the minutes of the meeting held on 22nd April, 2013 be confirmed as a correct record and signed.

5 FINANCIAL STRATEGY FOR THE STEVENS PARK AND RECREATION GROUND FOUNDATION TRUST

The Committee considered a report of the Lead Officer on the financial strategy for the Stevens Park and Recreation Ground Foundation Trust. The Committee gave consideration to the reserves policy, the criteria for awarding grants and the overall finances of the Trust, including the maintenance costs borne by the Council's revenue budgets and the income used to offset the maintenance costs.

Arising from paragraph 20 of the report, the Committee noted confirmation of the receipt of Heritage Lottery Funding towards the overall project costs at Mary Stevens Park, Stourbridge. A sum of £66,000 was held in the Stevens Trust accounts as a contribution to the project and the Committee considered that this funding should be retained by the Trust until such time as the project works were undertaken.

RESOLVED

- (1) That the existing reserves policy be continued on the basis of maintaining the value of the original endowment by adjusting it for inflation, property and investment valuations and that this policy be reviewed at the first meeting of the Committee in each municipal year.
- (2) That in relation to the award of grants from the Trust:
 - (a) Subject to the Committee retaining flexibility to consider each and every application on its own individual merit and to award grants at their discretion in special or exceptional circumstances, in accordance with the overall terms of the Trust Deed, the general criteria be set as follows:

- (i) Applications will normally be considered for capital purposes up to a maximum grant of £5,000 or 50% of the project costs;
 - (ii) Consideration will be given to the applicants' ability to self-fund the expenditure or to obtain funding from alternative sources;
 - (iii) Applicants will be able to apply for further funding from the Trust upon the expiry of two years from the date of the Committee meeting at which the previous grant award was approved.
 - (b) That the administrative arrangements for making grant payments continue on the existing basis of funds being released for the actual expenditure incurred, following the submission of invoices, and that monies will only be allocated for the purposes granted by the Committee.
 - (c) That, subject to any implications arising from the imminent revaluation of the Trust's land and buildings, officers give consideration to publicising the availability of grant funding for local people, groups or organisations in the area of benefit and that information concerning the implications of the revaluation be circulated to Members of the Committee in due course.
- (3) That the arrangements concerning the finances of the Trust as set out in paragraphs 23 to 25 of the report, including the maintenance costs being borne by the Council's revenue budgets and the income used by the Council to offset those maintenance costs, be continued on the existing basis.
- (4) That the sum of £66,000 previously allocated as a contribution to the project at Mary Stevens Park, Stourbridge be held in the Stevens Trust accounts until such time as the project is initiated and that the monies only be released as and when the necessary works are undertaken.
- (5) That officers investigate the feasibility of meetings of the Committee being rotated between various properties administered under the auspices of the Ernest Stevens Trusts and that future meetings be held on a quarterly basis.

6 ERNEST STEVENS TRUST – MARY STEVENS HOSPICE – CONSENT FOR BUILDING WORKS

The Committee considered a report of the Director of Corporate Resources on a request to undertake building works for a two-storey annexe extension on the north-east facing elevations of the Mary Stevens Hospice and associated internal refurbishment works.

A Member queried the requirement to notify the Charity Commission of the Planning Application. The Lead Officer undertook to investigate this issue.

RESOLVED

That, subject to any necessary consents from the Charity Commission, the Committee endorse the extension and internal refurbishment of the Mary Stevens Hospice on terms and conditions to be negotiated and agreed by the Director of Corporate Resources.

7 ERNEST STEVENS TRUST – WOLLESCOTE HALL – GRANT OF A LEASE/LICENCE

The Committee considered a report of the Director of Corporate Resources on a request for a lease/licence of a room to the Women's Royal Voluntary Service (WRVS) Good Neighbours at Wollescote Hall, Stevens Park, Stourbridge.

RESOLVED

That the Committee consent to the grant a lease/licence of a room to WRVS Good Neighbours at Wollescote Hall, Stevens Park, Stourbridge on terms and conditions to be negotiated and agreed by the Director of Corporate Resources.

8 STEVENS PARK AND RECREATION GROUND FOUNDATION TRUST – GRANT APPLICATION

Further to Minute No. 7 of the meeting held on 22nd April, 2013, the Committee considered a report of the Director of Corporate Resources on a request from the Stourbridge and District Scout Council for a grant from the Stevens Park and Recreation Ground Foundation Trust.

The Committee discussed the application in detail taking account of the criteria and other issues referred to in Minute No. 5 above.

RESOLVED

- (1) That based on the information available to the Committee, the Director of Corporate Resources write to the Stourbridge and District Scout Council advising that their application has not been successful on this occasion due to concerns regarding the ability of the organisation to self-fund the expenditure.
- (2) That the Director of Corporate Resources advise the applicant of the reasons for the decision and the possibility of submitting a fresh application should the organisation so wish in the future.

The meeting ended at 7.15 p.m.

CHAIR

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 Gornal

Date of Decision 12 July 2013

Reference DUE/36/2013

Prices Road, Gornal Wood – Proposed Prohibition of Driving Traffic Regulation Order

1.1 That the Borough Council of Dudley (Prices Road, Gornal Wood) (Prohibition of Driving) Order 2013 be implemented as advertised.

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 Hayley Green & Cradley
South

Date of Decision 02 August 2013

Reference DUE/38/2013

Traffic Regulation Order to control waiting in Brookwillow Road, Hollybank Grove and Rosemary Road, Halesowen

1.1 To make permanent the experimental waiting restriction Traffic Order for Brookwillow Road, Hollybank Grove and Rosemary Road, Halesowen.

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 South
Kingswinford North &
WallHeath
Brockmoor & Pensnett

Date of Decision 02 August 2013

Reference DUE/39/2013

To introduce Prohibition of Waiting and Weight Restrictions in roads around Ketley Quarry, Pensnett

1.1 That the unopposed proposals of the following advertised Orders be introduced:-

1.1.1 The Borough Council of Dudley (Ploverdale Crescent and Surrounding Streets, Pensnett) (7.5 tonne Weight Restriction) (Number 7 Order Type) Order 2013.

1.1.2 The Borough Council of Dudley (Dudley Road (A4101) Pensnett) (Prohibition of Waiting) (Number 7 Order Type) Order 2013.

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** Lye and Stourbridge North**Date of Decision** 02 August 2013**Reference** DUE/40/2013**High Street, Lye – Proposed Limited Waiting Traffic Regulation Order**

1.1 That the unopposed section of the following advertised Order is introduced.

1.2 That the Traffic Regulation Order - The Borough Council of Dudley (High Street, Lye) (No. 3 Order Type) (Stourbridge Area) (Parking Places) Order 2013 be implemented as advertised.

5.**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** All**Date of Decision** 16 August 2013**Reference** DUE/42/2013**Local Safety Schemes, Safer Routes to School and Pedestrian Programmes for 2013/2014**

1.1 That the 2013/14 locations for measures as part of the Local Safety Schemes, Safer Routes to School and Pedestrian Programme, attached as Appendices A and B, be agreed.

1.2 That any major changes to a scheme's principles, or valid objections to the proposals resulting from consultation as part of the detailed design, these shall be reported back to the Cabinet Member for Transportation for consideration by a further Decision Sheet to gain individual scheme approval or deferral of the proposal.

6.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Dave Branwood**Authorised By** Councillor Dave Branwood, Cabinet Member for Adult Community Services**In Consultation With** Andrea Pope-Smith, Director of Adult, Community and Housing Services**Ward(s) Affected** All**Date of Decision** 15 July 2013**Reference** DACHS/008/2013**Grants to Voluntary Organisations**

To fund applications for grants to voluntary organisations 2013/2014. An appendix of the voluntary organisations is attached to this Decision Sheet.

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 All
Date of Decision 17 July 2013 **Reference** DCS/33/2013

Dudley Performing Arts – Charges 2013

Dudley Performing Arts (DPA) is able to implement increased to charges as detailed on attached sheet.

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 29 July 2013 **Reference** DCS/34/2013

New Instrument of Government for Wren's Nest Primary School

To approve the sealing of a new Instrument of Government for Wren's Nest Primary School

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 Jane Porter, Director of Children's Services
Ward(s) Affected Kingswinford North &
WallHeath
Kingswinford South
Wordsley
Date of Decision 29 July 2013 **Reference** DCS/35/2013

New Instrument of Government for Crestwood Park Primary School

To approve the sealing of a new Instrument of Government for Crestwood Park Primary School

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 Jane Porter, Director of Children's Services
Ward(s) Affected Brierley Hill
Brockmoor & Pensnett
Date of Decision 29 July 2013 **Reference** DCS/36/2013

New Instrument of Government for St Mark's Church of England Primary School

To approve the sealing of a new Instrument of Government for St Mark's Church of England Primary School

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 Jane Porter, Director of Children's Services
Ward(s) Affected Castle & Priory
St James's
St Thomas's
Date of Decision 08 August 2013 **Reference** DCS/37/2013

New Instruments of Government for Halesbury and Sutton Special Schools

To approve the sealing of a new Instruments of Government for Halesbury and Sutton Special Schools on their change to Foundation status.

12.

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 08 August 2013 **Reference** DCS/38/2013

New Instrument of Government for Our Lady and St Kenelm Catholic Primary School

To approve the sealing of a new Instrument of Government for Our Lady & St Kenelm Catholic Primary School

13.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Councillor Judy Foster
Authorised By Councillor Judy Foster, Cabinet Member for Regeneration
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected Cradley and Wollescote
Date of Decision 23 July 2013 **Reference** DUE/37/2013

Potential Site Assembly at Colley Gate, Cradley

1.1 To authorise that Council owned land at Colley Gate be used as the basis of a potential site assembly exercise with other land between 116 and 128 Colley Gate.

1.2 That, subject to the identification of a suitable development partner, a viable development scheme and all the necessary statutory approvals, the Council will, at that time, consider the use of Compulsory Purchase Powers to assemble the site should this be necessary.

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 10 July 2013 **Reference** HOPSS/39/2013

Administrative Assistant (AC3)

To appoint 1 fte Administrative Assistant as part of the restructure of Supervised Contact Service

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 10 July 2013 **Reference** HOPSS/41/2013

Advertising and sponsorship officer post

To approve the recruitment of an Advertising and Sponsorship Officer post to support the corporate income generation strategy.

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 10 July 2013 **Reference** HOPSS/42/2013

Creation of a Governor Support Administrator Level 1

To create the appointment of a Governor Support Administrator Level 1 (Grade 2) full-time, term time only. To be funded from the deletion of a vacant Governor Support Administrator Grade 3 post.

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 10 July 2013 **Reference** HOPSS/40/2013

Service Manager Family Support – Troubled Families

To create a full time 12 month fixed term contract post for a Service Manager (Family Support) within the Troubled Families Programme.

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 11 July 2013 **Reference** HOPSS/44/2013

Redirection of funding to establish a Family Intervention Project Worker post, Housing Support Services

To disestablish one x Housing Support Officer post (Grade 7);

To permanently establish one post of Family Intervention Project Worker (Grade 8) in Housing Support Services (currently seconded to FIP in Childrens Services);

To confirm the present post-holder in post on a permanent basis.

The Family Intervention Project meets the needs of families who would otherwise be at risk of social exclusion, and produces improved outcomes for children, families and communities.

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 11 July 2013 **Reference** HOPSS/43/2013

Social Worker 14+ Looked after Children Service

To create a Social Work post within the 14+ Looked after Children Service.

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 11 July 2013 **Reference** HOPSS/45/2013

Appointment of qualified senior social worker

To agree to the appointment of an additional post being that of Senior qualified social worker (Grade 10 scp 38 – 41 (£31,754 - £34,549) 37 hours to support the work of the existing two support workers linked to the dementia gateway service as a point of access to adult social care services

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 Philip Tart, Director of Corporate Resources
Ward(s) Affected All
Date of Decision 26 July 2013 **Reference** DCR/30/2013

To approve the Year 5 workplan of the Human Resources Strategy, 2009-2014

To approve Year 5 (of the Council's 5 year) HR Strategy and work plan prioritising the use of HR resources within the Council.

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** 26 July 2013**Reference** HOPSS/46/2013**Appointment of four scheme managers (Sheltered Housing)**

To agree to the appointment of four Scheme Managers (Sheltered Housing) 37 hours per week @ Grade 6 £19,621 – £21,519 (£111,898.80 inc 30% “on costs”).

To agree to the appointment being made permanently via an expressions of interest ring fenced to patch based sheltered housing officers due to the specialist nature of skill and knowledge required and not being advertised in the usual way within the recruitment process.

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** 26 July 2013**Reference** HOPSS/48/2013**Creation of new post of Cashier at Netherton CE Primary School**

To create a new post of cashier at Netherton CE primary school. 10 hours per week, Monday – Thursday, 11.45am – 1.45pm, Friday 11.30am – 1.30pm, Term time only.

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** 26 July 2013**Reference** HOPSS/47/2013**Appointment of Qualified Senior Social Worker linked to Dementia Gateway**

To agree to the appointment of an additional post being that of Senior Qualified Social Worker (Grade 10 Scp 38 – 41) (£31,754 - £34,549) 37 hours to support the work of the existing two support workers linked to the dementia gateway service as a point of access to Adult Social Care Services

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 26 July 2013 **Reference** HOPSS/49/2013

Creation of new post of Catering Assistant at Bishop Milner Six Form

To create a new post of catering assistant at Bishop Milner Catholic School Sixth Form. 32.50 hours per week, 8.00am – 3.00pm, Monday – Friday, Term time only.

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 Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 26 July 2013 **Reference** HOPSS/50/2013

Create two part Support Workers 15 hours from one 30 hours post

To agree to the appointment of two 15 hour Support Worker posts (Grade 4 SCP 14 £15,725 – SCP 17 £16,830 pro rata) instead of one 30 hour post.

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 30 July 2013 **Reference** HOPSS/51/2013

Create a Social Worker Adoption Service

To establish a Social Work (level B) post within the Adoption Service on a 12 months fixed term contract to provide pre and post adoption order support to adoptive families.

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** 30 July 2013**Reference** HOPSS/52/2013**Create a Temporary Social Worker Adoption Service**

To establish a Social Work (level B) post within the Adoption Service on a 12 months fixed term contract.

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** Philip Tart, Director of Corporate Resources**Ward(s) Affected** All**Date of Decision** 02 August 2013**Reference** DCR/31/2013**Recruitment & Selection Guidance**

To implement the attached Recruitment & Selection Guidance to support the technology changes of the introduction of the new Council Wide 'talent link' end to end recruitment system. The guidance will apply to all employees of the Council except those employed by school governing bodies.

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** Philip Tart, Director of Corporate Resources**Ward(s) Affected** All**Date of Decision** 05 August 2013**Reference** HOPSS/53/2013**Approval of the flexible retirement for Mrs CB, Income Management Officer in the Income Collection Team, Housing Management Services (HMS) of the Directorate of**

To seek approval for the flexible retirement of Mrs CB, 57 years, in the Directorate of Adult, Community and Housing Services, effective from a date yet to be confirmed.

31.**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** John Polychronakis, Chief Executive**Ward(s) Affected** All**Date of Decision** 13 August 2013**Reference** CE/07/2013**Formation of a combined Anti-Social Behaviour Team**

That the Council establish a combined Anti Social Behaviour Team, based in the Directorate of Adult, Community and Housing Services (DACHS) to reduce Anti-social Behaviour (ASB) for both public and private householders.

32.**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 August 2013**Reference** HOPSS/56/2013**Create a temporary Housing Options Advisor and Housing Liaison Officer**

To establish and recruit to the posts of one Housing Options Advisor and one Housing Liaison Officer (Temporary)

33.**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 August 2013**Reference** HOPSS/55/2013**Creation of new post of Cashier at Oldswinford primary school.**

To create a new post of cashier at Oldswinford primary school. 7.50 hours per week, Monday, 11.45am – 1.30pm, Tuesday – Friday, 12 midday – 1.30pm. Term time only.

34.**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 August 2013 **Reference** HOPSS/54/2013

Create 1.5 Technical posts within the Community Equipment Service funded by the CCG

Create 1.5 Technician posts within the Community Equipment Service funded by the Clinical Commissioning Group (CCG)

35.**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 Kingswinford North & WallHeath
Date of Decision 14 August 2013 **Reference** DCR/32/2013

Appropriation of land at the rear of 28 & 28a Blaze Park, Wall Heath, to Allotment purposes

That the land forming part of the curtilages of 28 and 28a Blaze Park, Wall Heath, be appropriated from the purposes of the Housing Act 1980 to the purposes of the Small Holdings & Allotments Act 1908.

36.**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 None
Date of Decision 14 August 2013 **Reference** DCR/33/2013

Review and update of the following policy: Managing Performance Policy & Procedure

To agree updates to the current managing performance at work policy and procedure as a result of a review of the procedure and in line with current employment legislation and the collective agreement.

To agree to the policy and procedure being implemented with effect from 22nd August 2013.

37.**Delegated Decision Summary****Exempt**
Yes No
 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** 12 July 2013**Reference** DCR/28/2013**The Exercise of Delegated Authority by the Director of Corporate Resources in relation to :
The Council's Benefit (Anti-Fraud) Prosecution Policy**

To insert/amend the wording of 7 sections within the Council's Benefit (Anti-Fraud) Prosecution Policy.

To insert 4 new paragraphs within the Council's Benefit (Anti-Fraud) Prosecution Policy.

38.**Delegated Decision Summary****Exempt**
Yes No
 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** 15 July 2013**Reference** DCR/29/2013**The extension of a contract (1305)**

To extend the contract for the supply of Bulk Rock Salt for the period 1st August 2013 to 31st July 2014, (Contract Management Ref no. 1305).

39.**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** John Polychronakis, Chief Executive**Ward(s) Affected** All**Date of Decision** 13 August 2013**Reference** CE/08/2013**To establish a Police and Crime Board as part of the Safe and Sound Community Partnership**

To establish a Police and Crime Board as part of the Safe and Sound Community Partnership

40.

Delegated Decision Summary

Exempt

Yes No

| | |
|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|-------------------------------------|

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 14 August 2013

Reference DUE/41/2013

Museum Policy Documentation

To approve the following Policy documents which are required as part of the Council's application to the Arts Council England for Accreditation status for both Dudley Museum and Art Gallery and Broadfield House Glass Museum:

1. Collections Development Policy (former Acquisitions and Disposal Policy)
2. Documentation Policy
3. Care and Conservation Policy
4. Environmental sustainability policy statement