

COMMITTEE AND SUB- COMMITTEE MINUTES

**MARCH 2014
TO
JUNE 2014**

**AND
DELEGATED DECISION
SUMMARIES**

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

LIST OF MEETINGS

<u>Committee/Fora</u>	<u>Dates</u>	<u>Pages</u>	
		<u>From</u>	<u>To</u>
<u>COMMUNITY FORA</u>			
Netherton, Woodside and St Andrews and Quarry Bank and Dudley Wood	23/06/2014	NQCF/1	NQCF/3
Gornal and Upper Gornal and Woodsetton	23/06/2014	GCF/1	GCF/3
Coseley East and Sedgley	24/06/2014	CSCF/1	CSCF/3
Halesowen North and Halesowen South	24/06/2014	HCF/1	HCF/3
Norton/Pedmore and Stourbridge East/Wollaston and Stourbridge Town	25/06/2014	NPCF/1	NPCF/3
Castle and Priory/St James's/St Thomas's	25/06/2014	CPCF/1	CPCF/6
<u>SCRUTINY COMMITTEES</u>			
Special Meeting of Health Scrutiny	08/04/2014	HSC/39	HSC/45
Children's Services	09/04/2014	CS/21	CS/28
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Children's Services	26/06/2014	TO FOLLOW	
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Corporate Performance Management, Efficiency and Effectiveness	18/06/2014	CPMEE/1	CPMEE/8

REGULATORY COMMITTEES

Appeals Committee

Appeals Committee 02/04/2014 AC/9 AC/11

Appeals Committee 18/06/2014 AC/1 AC/3

Audit and Standards Committee

Audit and Standards Committee 17/04/2014 ASC/28 ASC/33

Development Control

Development Control Committee 31/03/2014 DC/91 DC/96

Development Control Committee 22/04/2014 DC/97 DC/98

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Licensing and Safety

Licensing and Safety Committee 12/06/2014 LSC/1 LSC/3

Licensing Sub Committee 1 28/05/2014 LSBC1/85 LSBC1/92

Licensing Sub-Committee 2 29/04/2014 LSBC2/34 LSBC2/41

Licensing Sub-Committee 2 03/06/2014 LSBC2/42 LSBC2/55

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Taxis

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Taxis Committee	17/06/2014	T/1	T/4
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DUDLEY HEALTH AND WELLBEING BOARD

Dudley Health and Wellbeing Board	17/06/2014	TO FOLLOW	
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ERNEST STEVENS TRUSTS MANAGEMENT COMMITTEE

Ernest Stevens Trusts Management Committee	28/04/2014	EST/11	EST/16
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**Action Notes of the Netherton, Woodside and St Andrews/Quarry Bank and
Dudley Wood Community Forum**

**Monday 23rd June, 2014 at 6.30pm
at Netherton Sports and Social Club, St Thomas Street, Netherton**

Present:-

Councillors B Cotterill, J Cowell, D Sparks, E Taylor and Q Zada

Officers:-

A Tromans - Lead Officer to the Forum (Information Systems Manager, ICT Services) and K Griffiths - Democratic Services Officer (Directorate of Corporate Resources)

Together with nineteen members of the public

1 **Election of Chair**

Councillor Zada was elected Chair of the Forum for the municipal year.

2 **Election of Vice-Chair**

Councillor Cotterill was elected Vice-Chair of the Forum for the municipal year.

3 **Apology for Absence**

An apology for absence was received on behalf of Councillor W Duckworth

4 **Welcome and Introductions**

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

5 **Listening to you – Questions and Comments by Local Residents**

Subject

Action

Lead Officer was thanked for his help and support in relation to the recent funding application received from Bowling Green Tenants and Residents Association relating to a Community Sports and Fun day.	Noted.
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Various issues were raised concerning Saltwells Nature Reserve, which had been reported to the Community Forum on several occasions, with particular reference to:-

Referred to the Directorate of the Urban Environment for a written response.

- what proposals did the Council have for a new Wardens base,
- what would be the interim arrangements to maximise wardens time spent in the Nature Reserve,
- the feasibility on a suggestion made to using the Black Horse Workshop as a temporary location for the Wardens base.

The Leader of the Council noted the ongoing issues and responded to specific points.

A number of specific concerns were raised in relation to the grass cutting in Netherton, in particular:-

Noted. Report to be prepared for Members in advance of next meeting.

- insufficient cutting,
- quality of cutting,
- Council tenants were having grass cut on their properties by Council operators,
- suggestion that grass on traffic islands could be cut in quieter parts of the day during the week instead of at weekends, which would reduce overtime paid to staff.

Concerns were raised in relation to potholes in Baptist End Road and requested that proper repairs be undertaken.

Lead Officer to refer to the appropriate Council Officers.

6 **Working with you: Topics raised by Local Councillors**

Subject

Action

Councillor Cotterill referred to parking in Victoria Road, which was preventing emergency vehicles from turning and requested that consideration be given to the installation of parking restrictions at the turning point. He also suggested that a sign be erected clearly stating "turning point, no parking".

Lead Officer to refer to the appropriate Council Officers.

Councillor Cotterill and Sparks referred to potholes in Birch Coppice and requested that proper repairs be undertaken.

Lead Officer to refer to the appropriate Council Officers.

7 **Community Forum Funding**

Application

Access in Dudley

Saltwells Tenants and Residents Association

Samaritans Brierley Hill Branch

Netherton Regeneration Strategic Group

Stourbridge Life Centre Debt Advice

Recommendation

Refused as it did not meet local criteria.

Quarry Bank and Dudley Wood Ward - approval of £750 to provide a lockable barrier to prevent fly tipping behind the garages off Heath Road.

Quarry Bank and Dudley Wood Ward - approval of £180 as a contribution towards new computer equipment.

Netherton, Woodside and St Andrews Ward - approval of £2,000 as a contribution to support commemoration events for the Great War centenary.

Refused as it did not meet local criteria.

8 **Dates, Time and Venues of Future Meetings**

- Monday 1st September, 2014 - 6.30pm - Quarry Bank Community Centre
- Monday 3rd November, 2014 - 6.30pm - Venue to be confirmed
- Monday 26th January, 2015 - 6.30pm - Woodside Community Centre
- Monday 16th March, 2015 - 6.30pm - Netherton Sports and Social Club

The meeting ended at 7.10pm

Action Notes of the Gornal and Upper Gornal and Woodsetton Community Forum

Monday 23rd June, 2014 at 6.30pm
at the Lower Gornal Royal British Legion, Ruiton Street, Dudley

Present:

Councillors D Branwood, K Casey, D Perks, R Scott-Dow and S Turner

Officers:

J Jennings (Lead Officer) (Head of Communications and Public Affairs) and
K Buckle (Democratic Services Officer)

Together with 28 members of the public

1 Welcome and Introductions

The Lead Officer welcomed those present and Members introduced themselves.

2 Election of Chair

Councillor Casey was elected Chair of the Forum for the municipal year.

3 Election of Vice-Chair

Councillor S Turner was elected Vice-Chair of the Forum for the municipal year.

4 Apologies for Absence

Councillor A Aston.

5 Loan Shark Campaign

Mr N Mohammed, Birmingham City Council, Trading Standards and Illegal Money Lending Team gave a verbal presentation on illegal money-lenders and loan sharks.

Mr Mohammed referred to various cases, which had been investigated and their outcomes. He also referred to the penalties involved and the number of cases dealt with by the Team to date.

Mr Mohammed referred to the advertising and campaigns to raise awareness in relation to Loan Sharks.

6 **Listening to you: Questions and Comments from Local Residents**

<u>Subject</u>	<u>Action</u>
Request to extend double yellow lines in Roberts Street, Lower Gornal.	Councillor D Branwood to refer to the appropriate Council Officers.
Request that the Fire Service and Police be requested to attend future meetings of the Forum.	The Lead Officer would ensure that the dates and venues of future Forums are provided to the appropriate Officers.
Concerns in relation to speeding traffic on the Ridgeway and Vale Street, Upper Gornal.	The Chair undertook to continue to monitor the situation in relation to speeding traffic as he was aware that safer routes to schools was a priority at the present time.
Failure of CENTRO to advise the residents of Parkes Hall, Upper Gornal of changes to bus routes due to road closures.	The Chair and Councillor D Perks to contact CENTRO and ascertain what consultation takes place in relation to changes to bus routes.
Problems following the recycling collection with loose green and blue bags. Could these bags be put into the black boxes to keep them secure?	The Chair and Councillor D Perks to refer the matter to the appropriate Officers.
Problems following the green waste collections with green bins obstructing pedestrians on pavements.	The Chair and Vice-Chair to refer this to the Council's Green Care service.
Trees overhanging gardens in Turner Street, Lower Gornal and a request for information on how often they were pruned by the Council.	The Vice-Chair to discuss this with the questioner following the meeting.

7 **Working with you: Topics raised by Local Councillors**

<u>Subject</u>	<u>Action</u>
Councillor Scott-Dow referred to concerns by local residents in relation to the number of accidents and the possibility of further accidents on Temple Street, Lower Gornal.	The Vice-Chair advised that options were being considered in relation to Temple Street.

8 **Community Forum Funding**

<u>Application</u>	<u>Recommendation</u>
Black Country Radio	Approved a £1,000 contribution from each ward.
Ellowes Hall and Area TRA	Deferred pending further investigations in relation to costings.
Life Centre Debt Advice	Approved a £615.00 contribution from the Upper Gornal and Woodsetton Ward.
Dudley Community Church	Refused as does not meet the local criteria.
Access in Dudley	Refused by the Gornal Ward as does not meet the local criteria. Deferred by the Upper Gornal & Woodsetton Ward pending further information on the amount required and the purpose of the funding.
Samaritans Brierley Hill Branch	Refused by the Gornal Ward as does not meet the local criteria. Approved a £222.60 contribution from the Upper Gornal & Woodsetton Ward.

9 **Dates, Time and Venues of Future Meetings**

Noted by the Forum.

The meeting ended at 8.10pm

Action Notes of the Coseley East/Sedgley Community Forum

Tuesday 24th June 2014 at 6.30 pm
at Christ Church C of E School, Church Road, Coseley

Present:-

Councillors C Baugh, D Caunt, M Mottram, and S Etheridge

Officers:-

S Cooper (Lead Officer to the Forum) (Head of Strategic Asset Planning) and M Johal (Democratic Services Officer)

Together with fifteen members of the public.

1 **Election of Chair for the 2014/15 Municipal Year**

Councillor Caunt was elected Chair of the Forum for the 2014/15 municipal year.

2 **Election of Vice-Chair for the 2014/15 Municipal Year**

Councillor Baugh was elected Vice-Chair of the Forum for the 2014/15 municipal year.

3 **Apology**

Councillor M Evans.

4 **Welcome and Introductions**

The Chair welcomed everyone to the meeting of the Coseley East/Sedgley Community Forum and Members introduced themselves.

5 **Listening to you – Questions and Comments from Local Residents**

Subject

Complaints about accident hotspot on the Ivyhouse Lane junction and problems being exacerbated by traffic using the petrol station and nearby food outlets

Action

Councillor Mottram is dealing with the issue and has raised the matter with Traffic.

Lead Officer to speak to Officers in the Directorate of the Urban Environment

Issues raised relating to Hurst Green Primary School and in particular children in school uniform on school premises playing with hard balls which was a safety concern. Clarification was sought on whether responsibility lay with the School or parents if pupils were on school premises in school uniform before or after school times.

It was suggested that an appointment be made with the Chair of Governors to discuss the issue.

The Lead Officer to the Committee also undertook to pursue the matter with the Education Improvement Advisor.

6 Working with you – Topics Raised by Local Councillors

<u>Subject</u>	<u>Action</u>
Councillor Mottram reiterated problems on Birmingham New Road and in particular those relating to speeding traffic at the crossroads of Ivyhouse Lane junction	Ongoing discussions and Officers' response awaited.
Councillor S Etheridge highlighted general areas of concern in the vicinity of Birmingham New Road to include issues with roadworks, safety of children, fast food and litter.	

7 Community Forum Funding

<u>Application</u>	<u>Recommendation</u>
The Beacon Hill Tenants Association	Approve £396.48 – Sedgley Ward
St Andrew's URC/Methodist Church	Approve £5000 – Sedgley Ward
Black Country Community Radio	Approve £2000 (£1000 allocated from each Ward)
The Life Centre/Stourbridge	Refuse – as it does not meet local criteria
Dudley Community Church	Refuse – as it does not meet local criteria
The Samaritans (Brierley Hill Branch)	Refuse – as it does not meet local criteria
	(Councillor S Etheridge asked for it to be recorded that she was of the opinion that the cause should be supported and an allocation of £1500 should be made)

Dates, Times and Venues of Future Meetings

Future meetings noted as follows:-

Tuesday 2nd September, 2014 (Age Concern, Ettymore Road)

Tuesday 4th November, 2014 (Christ Church C of E School, Church Road)

Tuesday 27th January, 2015 (Age Concern, Ettymore Road)

Tuesday 17th March, 2015 (Christ Church C of E School, Church Road)

The meeting ended at 7.25 pm

Action Notes of the Halesowen North and Halesowen South Community Forum

Tuesday 24th June, 2014 at 7.15pm
at Olive Hill Primary School, Springfield Road, Halesowen

Present:

Councillors H Bills, N Gregory, S Henley, K Shakespeare, D Vickers and A Taylor

Officers:

J Jennings (Acting Lead Officer) (Head of Communications and Public Affairs) and S Griffiths (Democratic Services Manager)

Together with 12 members of the public

1 **Election of Chair**

Councillor K Shakespeare was elected Chair of the Forum for the municipal year.

2 **Election of Vice-Chair**

Councillor A Taylor was elected Vice-Chair of the Forum for the municipal year.

3 **Welcome and Introductions**

The Chair welcomed everyone to the meeting. The Councillors and Council Officers introduced themselves.

4 **Listening to you: Questions and Comments from Local Residents**

Subject

Road traffic safety issues in and around Narrow Lane, Halesowen.

Action

Ward Councillors were aware of the problems and these had been raised with the Traffic and Road Safety Section. All correspondence would be forwarded on accordingly. Issues would be raised at the forthcoming Police and Communities Together (PACT) meeting and raised with the Head teacher of Hurst Green School.

Condition of Hobbs and Queenie shops in Halesowen Town Centre.	This issue had been raised previously and a response was awaited. The matter would be referred to the relevant Council Directorate.
Notice board on Great Cornbow – request that this be used by Ward Councillors to display information about community activities.	The resident indicated that he would write to the Halesowen South Councillors to consider this further. The subject would be discussed with the Head of Strategic Asset Planning.
Planning Application P14/0787 (Ahmadiyya Muslim Association) relating to the provision of 2 minarets and a central dome to the mosque at 224 Long Lane, Halesowen.	Objections had already been registered. The Development Control Committee would consider the application in due course. Residents were invited to submit any representations via the Council’s website. An open day would be held at the mosque on 28 th June, 2014 to discuss the plans.
Petition submitted objecting to Planning Application P14/0553 relating to the proposed conversion of the ‘Streetbike’ premises into a convenience store and fast-food outlets.	Petition referred to Director of the Urban Environment. Other objections had already been registered. The Development Control Committee would consider the application in due course. Residents were invited to submit any further representations via the Council’s website. Reference was also made to P14/0612 (Former MEB Headquarters, Mucklow Hill, Halesowen, Outline Application for the Erection of 66 Dwellings) to be considered by the Development Control Committee on 30 th June, 2014.
Concerns about the condition of the island opposite the Stag and Three Horseshoes Public House and a general issue concerning the use of advertising/sponsorship money to maintain traffic islands in the Borough.	The Acting Lead Officer reported that this revenue was allocated to the Council’s Grounds Maintenance Team. A report was requested on the amount of funding available; how this is allocated and the possibility of prioritising/targeting the expenditure to maximise the impact.
Lamp standard in the gully between Greenhill Road and Long Lane – concerns about vandalism, the general state of the gully and the lack of dog waste bins.	Ward Councillors were aware of the problems and action had been taken previously. The outstanding issues would be referred to the relevant Council Directorate for a response.

5 **Working with you: Topics raised by Local Councillors**

<u>Subject</u>	<u>Action</u>
Councillors Vickers and Bills reported on ongoing activity associated with Halesowen in Bloom. Reference also made to regular 'litter picks' being undertaken in Halesowen.	Noted. Anyone interested in participating in future 'litter picks' asked to contact Councillor Vickers.
Councillor Bills reported on an issue relating to Hurst Green Park, which was being dealt with by the Highways Agency and Dudley MBC.	Noted.

6 **Community Forum Funding**

<u>Application</u>	<u>Recommendation</u>
COCOA (Welcome to Dudley Project)	Refer to Dudley Council for Voluntary Service to explore other potential sources of funding.
LIFE Centre (Stourbridge)	Defer for a breakdown of how a potential contribution of £220 would benefit the wards covered by this Community Forum.
Samaritans (Brierley Hill Branch)	Approve a contribution of £445.20 towards the total scheme costs.
Somers Sports and Social Club	Refusal.
St Margaret's Church Hasbury	Defer for more detailed information.
Dudley Community Church	Refusal.
Highfield Park Allotment Association.	Approve a contribution of £1,000 towards the total scheme costs.

7 **Dates, Time and Venues of Future Meetings**

2nd September, 2014 - Leasowes School - 6.30pm
4th November, 2014 - Olive Hill Primary School - 6.30pm
27th January, 2015 - Leasowes School - 6.30pm
17th March, 2015 - Olive Hill Primary School - 6.30pm

The meeting ended at 8.55 pm

**Action Notes of the Norton, Pedmore & Stourbridge East, Wollaston & Stourbridge
Town Community Forum**

**Wednesday 25th June, 2014 at 6.30pm
at Stourbridge Children's Centre, Forge Road, Stourbridge**

Present:

Councillors N Barlow, C Elcock, C Hale, L Jones, I Kettle, H Rogers and M Wood

Officers:

A Leigh (Lead Officer) (Head of Services (Housing Strategy and Development))
and H Shepherd (Democratic Services Officer)

Together with 11 members of the public

1 **Election of Chair**

Councillor N Barlow was elected Chair of the Forum for the municipal year.

2 **Election of Vice-Chair**

Councillor M Wood was elected Vice-Chair of the Forum for the municipal year.

3 **Welcome and Introductions**

The Chair welcomed those present and Members and Officers introduced themselves.

4 **Apologies for Absence**

Councillors M Attwood and I Marrey.

5 **Listening to you: Questions and Comments from Local Residents**

Subject

Community Forum funding applications
and public's participation.

Action

Chair responded that residents would
be able to comment on applications but
that recommendations would be voted
on by the elected Councillors only.

Widening the scope of the Community Forum to include Old Amblecote and those nearby areas which historically identify with Stourbridge.

Enquiry forwarded direct to the Directorate of Corporate Resources to respond.

Best wishes and thanks were expressed to Mr Polychronakis for his service contributions.

Members endorsed the comments and also expressed their gratitude to him.

Safety of the wall at Red Hill

Councillor L Jones stated that the ownership of the wall was part West Midlands Police and the remainder private and it was ultimately their responsibility for the maintenance of the wall. The Chair stated that following completion of the repair work, Council Officers would examine the wall to ensure it was safe.

6 **Working with you: Topics raised by Local Councillors**

Subject

Action

Councillor H Rogers referred to the parking issues at Mary Stevens Park

Councillors H Rogers and L Jones stated that alternative options were being explored and the issue would continue to be monitored.

Councillor I Kettle requested the costing for the repair work to the collapsed wall at Red Hill.

Lead Officer to speak with DUE in relation to this matter.

Councillor L Jones referred to the growing number of potholes in the roads throughout the Borough. He referred to the additional funding received from Central Government in relation to this issue and requested assurance that this money was committed to the issue.

Referred to the Directorate of the Urban Environment for a response

Councillor M Wood asked if residents had any suggestions or ideas as to where Black Country Day bunting or publications could be placed.

Residents to advise Councillor M Wood or the Lead Officer of any suggestions

Councillor N Barlow stated that Margot James was to hold a meeting in relation to the future of the Longlands site on 4th July, 2014 at 6pm at Greenfield Primary School.

Chair encouraged residents to attend the meeting and express their views.

7 **Community Forum Funding**

Application

Recommendation

Samaritans Brierley Hill Branch

Approve a £450 contribution.

Scouts Jamboree – Edward Cook and Greg McArthur (Considered as one application)

Approve a £2000 contribution and recommend that the date that monies are required to be spent (guideline No. 8) be extended to the date of the Jamboree in 2015.

The Teutoburger Wald Group

Approve the sum of £5000 plus any additional costs for installation works.

LIFE Debt Advice Centre (Stourbridge)

Refuse. Recommend that the applicant look at possible funding from the Community Development Fund.

Dudley Community Church

Refuse as does not meet the local criteria.

Wollaston Village Community Association

Approve the sum of £5920.59

Dudley Council for Voluntary Service (DCVS)

Approve a £200 contribution

9 **Dates, Time and Venues of Future Meetings**

Future meeting dates noted as follows:-

Wednesday 3rd September, 2014 – Ham Dingle Primary School

Wednesday 5th November, 2014 – Wollaston Village Hall

Wednesday 28th January, 2015 – To be confirmed

Wednesday 18th March, 2015 – Chawn Hill Church

The meeting ended at 8.40pm

**Action Notes of the Castle and Priory, St James's and St Thomas's
Community Forum**

Wednesday 25th June 2014 at 6.30 pm
at St Thomas's Community Network, Beechwood Road, Dudley

Present:-

Councillors A Ahmed, K Ahmed, S Ali, M Aston, A Finch, K Finch and S Waltho

Officers:-

S Griffiths (Lead Officer to the Forum) (Democratic Services Manager) and M Johal (Democratic Services Officer)

Together with twelve members of the public.

1 **Election of Chair for the 2014/15 Municipal Year**

Councillor K Finch was elected Chair of the Forum for the 2014/15 municipal year.

2 **Election of Vice-Chair for the 2014/15 Municipal Year**

Councillor A Ahmed was elected Vice-Chair of the Forum for the 2014/15 municipal year.

3 **Apology**

Councillor M Roberts.

4 **Welcome and Introductions**

The Chair welcomed everyone to the meeting of the Castle and Priory, St James's and St Thomas's Community Forum and Members introduced themselves. The Mayor (Councillor M Aston) and the Deputy Mayor (Councillor S Waltho) were also congratulated on their official appointments.

Listening to you – Questions and Comments from Local Residents

Subject

Action

Caroline Street, Kate's Hill, Dudley

Referred for a written response.

- General litter and rubbish being tipped on pavements including dumping of large items
- Residents were unable to park their cars as a number of cars were parked on the street with a view to selling them
- Problems with large vehicles getting through due to narrowness of street

Councillor Ali to raise with Trading Standards and the Police the issue regarding cars being parked on the street for selling purposes.

Councillor Ali responded to specific points raised and noted ongoing issues.

Russells Hall Estate

Issues noted for a written response.

- Request for consideration to be given to a 20 mph speed restriction on Middlepark Road and Corbyn Road
- Corbyn Road – Complaint about damage to pavements at the bottom of the road and also damage caused to drains which results in flooding
- Overfield Road – Request for yellow lines because of inconsiderate parking; congestion problems; speeding issues and the reasons for the refusal of the placement of the bus stop was also queried.
- Bushey Fields Road – Problems with flooding in the dip of the road and obstruction caused by cars parking inconsiderately
- Ring and Ride had increased their fares and also three coaches were used to take three passengers to Dudley at the same time.
- The siting of the refuge on Russells Hall was queried.

The Cabinet Member for Transport undertook to investigate issues relating to the damage to pavements on Corbyn Road and inconsiderate parking on Bushey Fields Road.

Inspector Mason to consider the installation of a speed camera in Corbyn Road with a view to gathering evidence.

The Chair, Vice-Chair and Cabinet Member for Transport responded to specific points raised and noted ongoing issues.

Blackacre Road, Dudley

Comments made about the permanent closure 'stopping up' of the road:-

- Whether consultation had taken place with the Fire Service to ascertain their views.
- The road could only be closed if it was deemed no longer necessary for public use which was debatable.
- The scheme did not fulfil the planned objectives as traffic still used the road to cut through and that the problem had just been shifted elsewhere.
- Why had consideration not been given to any other traffic calming measure to try to curb the problem in the road?

Priory Estate, Dudley

- Ongoing problems with dangerous parking on exit roads of estate and cars parking on corners at blind spots
- Reference made to narrow pavements and the difficulties encountered in navigating pushchairs and wheelchairs around large trees. Also similar problems experienced in Laurel Road and Maple Road due to large trees and parked cars.

Large potholes on Warrens Hall Road near Sledmore Road junction require attention.

Cars using Four Winds Road and Gads Green as a racetrack on weekends

Referred for a written response.

The Cabinet Member for Transport responded to specific queries and stated that consideration would be given to implementing traffic calming measures on other streets upon submission of evidence to demonstrate traffic problems.

Referred for a written response.

Ward Councillors to undertake a Site Visit to ascertain the extent of the problem relating to the trees with a view to identifying solutions.

Referred for a written response.

Councillor Ali suggested that registration numbers of offending vehicles be noted with a view to submitting to the Police.

Dudley Town Centre Redevelopment

- Confirmation was sought on whether the Town Centre Development project was running late, was over budget and whether part of the project had been scrapped due to the lack of funds.
- Queried whether contractors working on the redevelopment found that utilities were not where they expected them to be due to inaccurate Council plans.
- Why were materials for the development being imported from Germany?
- Request for toilets to open on Sundays. Also clarification on whether a disabled toilet was to be placed by the fountain.
- Why had benches been removed and not replaced?
- Given the number of shops that had closed it was considered that the increase in parking charges would have a further negative impact on businesses in the Town Centre.
- Comment that redevelopment also be extended to surrounding areas and not just concentrated in the Town Centre.

Concerns about inconsiderate parking in roads around schools, particularly in Russells Hall and Milking Bank areas.

Referred for a written response.

The Cabinet Member for Transport to clarify the position with regard to the disabled toilet by the fountain and he also undertook to revisit the matter relating to benches.

The Cabinet Member for Transport responded to specific queries raised and confirmed that delays had occurred, however, the redevelopment of the Town Centre was now back on schedule and due for completion within the original timescale.

Noted ongoing issue.

6 **Working with you – Topics Raised by Local Councillors**

<u>Subject</u>	<u>Action</u>
Councillor K Finch Requested that affected residents in the Castle and Priory area start a petition with a view to introducing 20 mph speeding limits within built up areas.	Inspector Mason undertook to clarify the point at which action was taken with regard to speeding limits.
It was also commented that although there were speeding restrictions, drivers could go beyond that limit before being penalised.	

7 **Community Forum Funding**

<u>Application</u>	<u>Recommendation</u>
Dudley Arts Council	Confirm allocation of £1500 – St James's Ward
The Young Smiles	Defer to pursue other funding sources.
Dudley Central Mosque and Muslim Community Centre	Approve contribution of £8000 – St Thomas's Ward
The Life Centre Debt Advice (Stourbridge)	Defer for further information to ascertain take up from Wards relating to this Forum.
The Samaritans (Brierley Hill Branch)	Refuse – priority to be given to more local projects.
Hill-side Herbs	Approve contribution of £5000 – St Thomas's Ward
Dudley Community Church	Approve contribution of £2500 subject to receipt of confirmation of funding from other sources to meet the total project costs – St James Ward
Dudley Counselling Centre	Approve contribution of £2500 subject to receipt of confirmation of funding from other sources to meet the total project costs – St James Ward
Black Country Community Radio	Approve contribution of £3000 subject to obtaining a licence (£1000 to be allocated from each Ward)

Dudley Community and Voluntary Service

Approve contribution of £340 – (£113 to be allocated from each Ward)

2nd Dudley St Francis Brownies

Approve contribution of £1880 – Castle and Priory Ward

8 **Dates, Times and Venues of Future Meetings**

Future meetings noted as follows:-

Wednesday 3rd September, 2014 (St Barnabus' C of E Church)

Wednesday 5th November, 2014 (Wrens Nest Community Centre)

Wednesday 28th January, 2015 (St Thomas's Community Network)

Wednesday 18th March, 2015 (St Barnabus' C of E Church)

The meeting ended at 8.30 pm

SPECIAL MEETING OF THE HEALTH SCRUTINY COMMITTEE

Tuesday 8th April, 2014 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Ridley (Chair)
Councillor Kettle (Vice-Chair)
Councillors Cotterill, Harris, Hemingsley, Roberts, K Turner and Mrs Walker

Officers

Assistant Director of Law and Governance (Lead Officer to the Committee), Scrutiny Officer (Directorate of Adult, Community and Housing Services) and Mrs M Johal (Directorate of Corporate Resources)

Also in Attendance

Mr P Maubach – Chief Accountable Officer (Dudley Clinical Commissioning Group)
Dr Steve Mann – Clinical Executive (Dudley Clinical Commissioning Group)
Mr Jason Evans – Urgent Care Commissioning Manager (Dudley Clinical Commissioning Group)
Mr Richard Haynes – Head of Communications (Dudley Clinical Commissioning Group)
Ms Jill Harvey – West Midlands Ambulance Service
Mr Nick Henry – West Midlands Ambulance Service
Mr Richard Beeken – Director of Operations (Dudley Group NHS Foundation Trust)
Mr David Stenson – Public Elected Governor (Dudley Group NHS Foundation Trust)
Ms Liz Abiss – Head of Communications (Dudley Group NHS Foundation Trust)
Mr Graham Hopper – Interserve

58 OPENING REMARKS OF THE CHAIR

The Chair welcomed those present to the meeting and following introductions outlined the procedure to be followed in relation to Agenda Item No 5 – Urgent Care Centre (UCC) Procurement and Draft UCC Service Specification (Version 0.9).

59 APOLOGIES FOR ABSENCE

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

60 DECLARATIONS OF INTEREST

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

61 PUBLIC FORUM

No issues were raised under this agenda item.

62 URGENT CARE CENTRE (UCC) PROCUREMENT AND DRAFT UCC SERVICE SPECIFICATION (VERSION 0.9)

A report of the Chief Accountable Officer, Dudley Clinical Commissioning Group was submitted providing an update on the design and procurement of the new Urgent Care Centre (UCC) that had been agreed at the Board meeting of the CCG on 9th January, 2014. The latest draft version of the UCC Service Specification had been attached as an Appendix to the report. The draft service specification had been considered by the Dudley Health and Well Being Board at its meeting held in March, 2014 and would also be submitted to the Healthcare Stakeholders meeting on 25th, April 2014 for consideration with a view to a final version being submitted to the CCG Board on 8th May, 2014.

The Lead Officer to the Committee briefly introduced the report and, in doing so, provided a background to discussions that had taken place at previous meetings and highlighted concerns that had been raised by Members. It was also reported that a series of questions had been submitted to the CCG in advance of the meeting for consideration and discussion at this meeting.

Mr Maubach then presented the report in detail, answered questions that had previously been submitted and made comments as follows:-

- The design of the UCC enabled patients to use it as a “walk-in” facility with a view to patients being triaged to determine their care and then being referred to the appropriate service from one location.
- Following approval of the UCC service specification consideration would be given to tendering for the provider of the triage service.
- A telephone system would also be operational whereby patients would be triaged at the point of call and, if needed, an appointment would be booked for attendance at the hospital.
- The final service specification would include a performance schedule and a particular key performance measure as referred to in the specification was the intention of 95% of all presenting patients at the UCC to be seen and discharged within a four hour timeframe.

- Problems in accessing General Practitioners (GP's) were acknowledged but it was stated that this was the preferred option for primary care.
- The proposal to base the facility at Russells Hall revolved around clinical reasons to integrate services and national guidelines had also stated that integrated delivery of services was best practice and the preferred model for the future.
- It was considered that people that were registered with a Dudley GP would receive a better, faster and more efficient service as all GP's had signed up to data sharing which would enable hospitals to gain immediate access to patients' medical history. Migration to the single standard system was currently underway.

Arising from the presentation of the report queries and comments were made by Members and pertaining responses given, as follows:-

- A Member expressed concern that residents he had spoken to had not wanted the facility to be based at Russells Hall Hospital and he was of the view that it was a "done deal".

It was reported that outcomes from the consultation had been considered and covered in depth and that the Dudley Health and Well Being Board and the CCG Board had approved plans for the transfer to Russells Hall Hospital.

- Concerns expressed that people would have to pay for car parking and it was queried whether Russells Hall had capacity for the additional demand given the problems currently being experienced in finding a space. It was also queried whether consideration could be given to staggering visiting and clinic times to alleviate the parking situation.

Arising from the consultation it had been agreed to introduce a telephone triaging system whereby an appointment could be booked for patients that needed to attend Russells Hall Hospital. This would eliminate some of the time waiting at the hospital which in turn would reduce car parking charges for patients.

With regard to car parking spaces it was commented that visiting times already varied across wards and currently the car park was not saturated even during peak times. It was further commented that additional spaces had been made available as staff were no longer able to use the maternity car park spaces and long term plans were to spread workloads across other hospitals, including the Corbett, which would further ease the parking situation.

- The walk-in centre had been useful for people visiting from other areas, particularly children that became sick as they were unable to access their local GP's. Local residents had also indicated that the walk in centre offered a good service and had good parking facilities.

- The difficulties in recruiting GP's and associated conditions and long working hours were referred to particularly as the UCC would be operational on a twenty four hour basis.
- It was queried whether consideration had been given to best practice and whether developments at other hospitals utilising this method had been explored.

It was reported that consideration had been given to best practice and the proposed service specification had been based on Walsall's model as they were currently operating a combined facility.

A Member stated that it would have been useful to see the evidence for reassurance purposes.

- Reference was made to the non-clinical Navigator and it was queried why the role would only be operating from Monday to Friday 9am to 6.30 pm given the service would incorporate an out of hours provision. It was also suggested that reference to the navigator in the service specification be revisited and rephrased to clarify the exact role and what the service would achieve.

Comments made in relation to the navigator would be taken on board.

- It was considered that there should be access to a twenty four hour pharmacy on site.

The responsibility to license pharmacies lay with NHS England and Mr Maubach undertook to liaise with them in this regard.

- Queried whether there would be access to twenty four hour X-Rays and blood tests.

The UCC would have access to suitably identified diagnostics commensurate with primary care and only a minority percentage would need this facility and it was not deemed to be appropriate to include as part of the specification. However, it was pointed out that there was the option to transfer patients to the Emergency Department for those that were in need of the facilities.

- Reference was made to the four hour target to see and discharge patients and it was commented that people chose to go to the walk in centre because they were able to access the facility quickly and be seen in less than an hour.

The four hour timeframe was the national standard set for seeing patients although it was acknowledged that there should be an expectation to see as many patients as possible. However, it was pointed out that current waiting times were between one and two hours.

- Although it was acknowledged that the main assessment/treatment element of the UCC service model would be based in one area and delivered by a qualified clinician, it was requested that clarification be given on whether the clinician would be a GP, otherwise it could be viewed as a decrease in service.

It was stated that the current walk in centre was not GP led. However, finite details to include the qualification of the principle assessors would be firmed up in the final specification.

The Chair requested that consideration be given to wording being included in the final specification stating that a GP was available, if needed.

- There was no reference in the service specification to deal with vulnerable people that self presented and concerns were expressed that a clearer pathway needed to be identified in this regard.

Discussions were taking place with the Mental Health Trust with a view to ascertaining the level of service required and a report would be submitted to the Safe and Sound Board with a view to a recommendation being made.

- Although the contract for the current walk-in centre had been extended to March, 2014, it was queried whether there was sufficient time to undertake the procurement process and for the proposed UCC to be erected and fully operational by that time.

It was reported that it was expected to achieve the target, and if need be, the contract could be extended further to ensure that there was not a break in service.

- It was suggested that consideration be given to offering GP receptionists training with a view to offering a triaging service given the difficulties in getting appointments with GP's.
- It was requested that consideration be given to patient experience and that sufficient footage and space be allocated for the UCC to cope with demand and that appropriate enclosed rooms be available for consultation to allow patients their privacy and dignity. Also consideration be given to personal safety, particularly on weekends when treating patients that had been consuming alcohol.

The capital planning of the UCC had not as yet been completed but it was envisaged that there would be a certain level of footage. With regard to privacy and dignity the NHS were obligated and had to adhere to meeting the required legal standards.

- The amount of revenue generated from car parks that was re-invested in sustaining quality health services was queried.

The element of income received from Interserve to reinvest into health services had been £435,000 for the current financial year. It was commented that should this income not be received this amount would need to be found from elsewhere to sustain current health services.

- The Chair stated that car parking charges at Russells Hall Hospital were in line with charges across other hospitals, however it was commented that there was a need to publicise concessions.

It was acknowledged that there was a need to undertake work to publicise concessions.

- A Member requested that financial details of the proposed model be provided to enable appropriate scrutiny to take place.

It was stated that financial information was commercially sensitive and providing this information could prejudice the tendering process.

Arising from further questions and comments made by Members, Mr Maubach reported that a publicity campaign would be undertaken with regard to using the 111 telephony service, that the UCC would not require a huge amount of space, that there was extensive CCTV across the hospital site that would be extended to the UCC and that the facility would be placed near to the Accident and Emergency Department to allow for the sharing of skills.

Representatives from the West Midlands Ambulance Service commented that they were in agreement with the plans for co-location of the UCC and that they had been fully engaged and involved in discussions with a view to a joint approach. Reference was also made to the 111 service that would be used as the telephone triaging facility and it was stated that efforts would be made to publicise the facility and to put in place measures to cope with demand.

Mr Stenton, the Publicly Elected Governor (Dudley Group NHS Foundation Trust) reported that all Governors had been given a copy of the consultation documents and that a number of comments had been made including the need to ensure that patients understood the concept of the new model. He stated that the CCG Board had considered feedback and acted accordingly and it was pointed out that it was vital to move in this direction in the interests of the people of Dudley.

In concluding Mr Maubach stated that the proposed UCC model was safer as it was in one location and provided a better quality service, it conformed to national guidelines, the migration of all GP's to use one system was a phenomenal achievement as it would improve access to patients records and eliminate medical errors and that overall it would be a more efficient service. With regard to measuring the success it was indicated that performance indicators were in place however, these had not been included in the service specification. He undertook to consider comments made by Members with a view to including in the final version of the service specification.

RESOLVED

- (1) That the information contained in the report, and Appendix to the report, submitted on the design and procurement of the new Urgent Care Centre and the draft Urgent Care Centre Service Specification (Version 0.9), be noted.
- (2) That arising from consideration of the draft Service Specification the comments made, as indicated above be considered by the CCG for consideration and inclusion in the final version of the Service Specification.
- (3) That the Chief Accountable Officer (Dudley Clinical Commissioning Group) be requested to submit an electronic version of the final service specification to all Members of the Committee in May, 2014.

The meeting ended at 8.10 p.m.

CHAIR

CHILDREN'S SERVICES SCRUTINY COMMITTEE

Wednesday, 9th April, 2014 at 6.00 pm in Committee Room 2 at the
Council House, Dudley

PRESENT:-

Councillor Marrey (Chair)
Councillor Boleyn (Vice-Chair)
Councillors Bills, Hill, Islam, J Martin, Perks, Mrs Simms, Vickers and Mrs Walker,
Mr Nesbitt, Ms Sinden, Mr Taylor and Mrs Verdegem.

OFFICERS

Assistant Director of Adult, Community and Housing Services (Housing Management) – Lead Officer to the Committee, Interim Director of Children's Services, Ms T Brittain and Mr H Powell, Interim Assistant Directors of Children's Services (Education Services), Divisional Lead, Looked after Children and Divisional Lead, Social Work (all Directorate of Children's Services) and Mrs K Buckle (Directorate of Corporate Resources)

WITNESSES GIVING EVIDENCE TO THE SCRUTINY COMMITTEE

West Midlands Strategic Leader, Preventing Violence against Vulnerable People, Mr Stephen Rimmer and Detective Chief Inspector, Sandwell and Dudley Child and Adult Abuse Lead, Public Protection Unit, Ms Jenny Skyrme and Inspector Ms G Davenport, Partnerships Team.

25 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Arshad and Casey, Mrs Coulter, Mr Lynch, Mr Ridney and Reverend Wickens.

26 **SUBSTITUTE MEMBERS**

It was reported that Councillor J Martin was serving in place of Councillor Casey for this meeting of the Committee only.

27 **DECLARATION OF INTEREST**

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

28 **MINUTES**

RESOLVED

That subject to the inclusion of Mrs Verdegem in Minute no 15 – Apologies for Absence, the minutes of the meeting of the Committee held on 18th February, 2014 be approved as a correct record and signed.

29 PUBLIC FORUM

No issues were raised under this item.

31 APPROACHES TO CHILD SEXUAL EXPLOITATION – WITNESSES AND DEBATE

The Committee heard representations from the following witnesses, who had been invited to have a dialogue with Members with regard to Child Sexual Exploitation in order to determine best practices to work collaboratively to address these issues in Dudley.

- (a) A presentation was made by Mr S Rimmer the West Midlands Strategic Leader on preventing Violence against vulnerable people.

During the course of the presentation Mr Rimmer made the following points:-

- He referred to his role and the work undertaken in relation to key threats and risks across the region in relation to child sexual exploitation.
- He reported that the cases of child sexual exploitation were increasing and referred to the collective responsibility to protect those who were most vulnerable in society and discharging this responsibility through prevention, protection and the justice system.
- That early intervention was of paramount importance and the aims to make perpetrators feel as vulnerable as their victims.
- A more integrated approach was required with more information sharing with partners in order to detect perpetrators of child sexual exploitation.
- He referred to the victims of child sexual exploitation, advising that they did not see themselves as victims due to the grooming processes, which included manipulation and coercion and the imbalance of power which limits the victim's options.

- The threat of child sexual exploitation together with statistical information, profiling, the number of reported cases and research into the issue were outlined and the uncertainty surrounding the number of cases and the volume of those cases, in effect it was unknown “how big the iceberg and how big the tip”.
- He referred to the child sexual exploitation incubator advising of the number of families who had discovered their children viewing violent, sexually explicit, upsetting or inappropriate content on the internet stating that the average age of children viewing this material was just over four years. The rate at which technology was advancing and the confidence of young children using that technology being a factor and percentage of parents who had not installed parental controls on smart phones and who had never spoken to their children about the dangers of using the internet were referred to.
- Concerns were raised that the average age of perpetrators would reduce due to the advancement of technology, with the average age currently being 25 to 30, a generation who did not have such technology at their fingertips.
- The implementation of a regional child sexual exploitation framework and standards were outlined together with the work of the Chief Executive and the Director of Children’s Services in order to develop those standards which were to be authorised by Safeguarding Boards. The major role of schools being equipped and ideally placed for preventative work and identifying victims and those who were at risk was referred to.
- The safeguarding training in order to identify those at risk in certain hotels was referred to and that direct community engagement was required in order to identify and safeguard those at risk.
- The challenges in relation to child sexual abuse were outlined with reference to capacity as demand rises and the continuing need for partnership work involving an element of trust and community engagement which must be both genuine and proportionate.

Arising from the presentation the following comments were made by Members:-

- The impact of data protection on information sharing;
- The further need for intelligence sharing and the expansion of communication;

- The involvement of schools, the requirement of training in schools and the establishment of a set of standards were required;
- The impact on schools given the limited resources and the requirement to work to a set curriculum;
- The requirement of information sharing and data being provided to Members by the Safeguarding Board;
- The requirement of training and standards to be implemented in primary schools in order for early intervention work to be undertaken to protect those who were at risk, vulnerable and already victims of child sexual exploitation;

In responding to comments made the West Midlands Strategic Lead on preventing violence against vulnerable people advised that:-

Information sharing was evolving and following the implementation of a framework and standards child sexual exploitation groups would be established in order to track information and ensure that work was being carried out with cases being followed up by referrals to appropriate groups and sources.

There were some statutory responsibilities on schools, however further work was required in schools and information had been forwarded to some educational establishments in relation to safeguarding and the protection of those vulnerable.

There was a requirement to take to prevent a major case in the Borough occurring.

That the Safeguarding Board had a clear responsibility to ensure children were protected and that Safeguarding Boards were subject to inspection by Ofsted.

In relation to working with schools there was a programme available which was interactive and focused on self esteem, respect and understanding relationships and that work could be undertaken if a number of schools across the Dudley Borough wished to become involved.

The Interim Director of Children's Services advised that the Safeguarding Board produced an annual report and that there was a Quality and Performance Group and a Vulnerable Children's Activity Group who met regularly to scrutinise and develop actions around the CSE Agenda.

In responding to a Member's question the Interim Director also stated that Faith Groups had policies in place to deal with cases of child sexual exploitation.

- (b) A presentation was made by Detective Chief Inspector Jenny Skyrme, the Sandwell and Dudley Child and Adult Abuse Lead, Public Protection Unit, West Midlands Police.

Detective Chief Inspector Skyrme referred to the work she conducted across all four Black Country Boroughs dealing with children who were either at risk of significant harm or had been significantly harmed, advising that she was the Senior Statutory Partner who sat on the Dudley Safeguarding Board.

She also referred to the early intervention work of her colleague Inspector Davenport.

During the course of her presentation Detective Chief Inspector Skyrme referred to the following:-

- The service transformation in her organisation following the introduction of Programme Paragon, which highlighted that there was a requirement to investigate systems and undertake a service transformation project with a team of consultants in order to streamline services.
- The impact of Operation Yewtree and the Jimmy Saville affect that saw a rise in serious sexual offences being reported.
- A graph was displayed in relation to the organisational restructure in the West Midlands Public Protection Unit with reference being made to the additional Officers that had been redeployed in order to deal with the extensive case levels.
- Details of special teams that were to be formed in order to focus on domestic abuse and the formation of a new Sexual Offences Team were noted.
- What this meant for Dudley was outlined and included the provision of a specific Public Protection Team, the number of detectives that would be involved and the work that they would be involved with. Timescales in relation to the phased implementation were displayed.
- It was noted that there were two types of child sexual exploitation, physical child exploitation and online child sexual exploitation with the latter involving online grooming and physical child exploitation was defined as sexual exploitation of a child under 18 years of age, with that young person receiving something as a result of the performance of sexual activities.

- It was stated that child sexual exploitation was not a crime in itself however details of other criminal offences that were committed as they were associated with the exploitation were outlined and details of these were displayed.
- That those who were abused had a perverse sense of loyalty and love towards their abusers and there were organised criminals who operated in groups and threatened, terrorised and emotionally blackmailed their victims and there was an actual role reversal where a grooming adult wished to take the attention away from their victim which in turn would take away the attention from the abuser.
- A case was referred to whereby a sixteen year old looked after child, (not in Dudley) who as a result of previous circumstances had no self-esteem or respect had been targeted by a group of youths who befriended her and subsequently sexually exploited the child. As the sexual activities had been deemed to be consensual a different approach had been adopted to deal with the perpetrators whereby other offences were investigated such as anti social behaviour, vehicle and bail checks.
- That locations around hotels in relation to licensing, health and safety and fire regulations could be investigated should they be hotspots for child sexual exploitation.
- Child Sexual Exploitation was dealt with by a partnership approach with Dudley operating a good approach to such exploitation. That there was local policing through Operation Sentinal where training was provided on the recognition of child sexual exploitation in order for early intervention and signposting work being undertaken.
- The work with partners such as the Community Safety Team, Children's Homes, hotel staff, joint media strategies and Young Person's Officers within schools was referred to.
- It was noted that 51% of victims from problem profiles had never been looked after children, which evidenced that this child sexual exploitation was not a stereotypical problem.
- The Dudley Safeguarding Board's structure was outlined and statistical evidence in relation to child sexual exploitation crime rates throughout the West Midlands were displayed.
- It was noted that different strategies and tactics would be put into place in different localities and new low level child sexual exploitation co-ordinators would be appointed in order to deal with those young people missing from home in order to detect and prevent low level exploitation which would prevent those vulnerable becoming future victims.

- Challenges for the Police and their partners were outlined including intelligence and information exchange and data sharing, joined up work across the Borough, cross border arrangements for out of borough placement offences, the investigation of child protection systems which were designed for familial issues and not sexual exploitation, mindsets of practitioners and gaps in service providers for 16 to 18 year olds.

Arising from the presentation Members asked questions and Detective Chief Inspector Skyrme advised as follows:-

- That conviction rates were low and work was being conducted with the Crown Prosecution Service to investigate different offences and that governance was required in relation to for example taxis who collected children unaccompanied.
- Local Policing do attend schools to provide information on child sexual exploitation.
- Grant aid was available to deal with offences of trafficking and details in relation to trafficking were outlined together with the use of legislation in order to secure a conviction for such an offence.

The Interim Director of Children’s Services advised that Child Protection had bespoke training for teachers and agreed to impart the observations and comments of Members in relation to the requirement to disseminate information onto teaching staff who work on the front line with children regarding the recognition and reporting of concerns regarding possible child sexual exploitation.

RESOLVED:

That the information contained in presentations on approaches to child sexual exploitation and as reported on at the meeting be noted.

CHILD SEXUAL EXPLOITATION – FEEDBACK FROM MEMBER VISITS

Members reported orally on their visits to establishments and services involved in tackling sexual exploitation including visits to Street Teams, Respect Yourself – Teenage Pregnancy Service and a meeting with the Divisional Lead for Looked after Children and Missing Children and attendance at Training awareness sessions.

Member’s comments and observations in relation to their visits were noted and the Chair requested Members to forward their comments and observations to either himself or the Vice-Chair in order that a report could be prepared and submitted to the next meeting of the Committee for further consideration.

The Chair thanked Officers, Presenters and Members for their contribution to the meeting and requested that weaknesses outlined be targeted especially in relation to the work that should be conducted with schools in relation to child sexual exploitation.

The Interim Director of Children's Services undertook to present a report to a future meeting of the Committee in relation to Safeguarding data.

RESOLVED

- (a) That the information reported on and feedback from Member visits together with Members comments, be noted.
- (b) That Members be requested to forward their comments and observations in relation to their visits to the Chair/Vice Chair.
- (c) That the Chair and Vice Chair be requested to submit a report on the feedback from Member Visits to a future meeting of the Committee.
- (d) That the Interim Director of Children's Services be requested to submit a report on Safeguarding data to a future meeting of the Committee.

33

STANDARDS REPORT – PERFORMANCE DATA

This item was deferred to a future meeting of the Committee.

34

DUDLEY SCHOOLS OFSTED OUTCOMES

This item was deferred to a future meeting of the Committee.

The meeting ended at 8.55 pm

CHAIR

CHILDREN'S SERVICES SCRUTINY COMMITTEE

Tuesday, 6th May, 2014 at 6.00 pm in Committee Room 2 at the
Council House, Dudley

PRESENT:-

Councillor Marrey (Chair)
Councillor Boleyn (Vice-Chair)
Councillors Bills, Casey, Hill, Islam, Perks, Vickers and Mrs Walker, Mr Nesbitt,
Reverend Wickens, Mr Ridley, Ms Sinden and Mrs Verdegem.

Also in attendance:

Councillor Crumpton (Cabinet Member for Children's Services and Lifelong Learning).

OFFICERS

Assistant Director of Adult, Community and Housing Services (Housing Management) – Lead Officer to the Committee, Interim Director of Children's Services, Ms T Brittain and Mr H Powell, Interim Assistant Directors of Children's Services (Education Services) and Ms J Broadmeadow, Divisional Lead, Safeguarding (all Directorate of Children's Services) and Mrs K Buckle (Directorate of Corporate Resources)

35 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Arshad and Mrs Simms, Mr Lynch, Mr Taylor and Mrs Ward.

36 **DECLARATION OF INTEREST**

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

37 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 9th April, 2014 be approved as a correct record and signed.

No issues were raised under this item.

STANDARDS REPORT – PERFORMANCE DATA

The Committee received a report of the Interim Director of Children’s Services on the validated data available concerning the performance of schools in the Borough. The Interim Director of Children’s Services and the Assistant Directors (Education Services) gave a detailed presentation on the statistical information in the report and provided updates and responses to individual points raised by the Committee.

In relation to questions raised regarding Specialist Early Years provision it was acknowledged that the number of early years with specialist educational needs were rising and the Specialist Early Years Team had been commissioned to conduct a review on specialist provision to include increasing the provision, the number of places and funding available whilst identifying how the present capacity could be built upon.

Regarding the increase in settings for achievement of grade 3, the School Improvement Early Years Team support for schools and settings provide for those schools where improvement was required ensuring that the level of support required was provided at a reduced cost.

The position in relation to the significant changes to Special Educational Needs funding was recognised and it was noted that the Schools Forum had agreed to a significant increase in funding in Special Schools in the Dudley Borough.

In relation to suggestions made and questions raised regarding the Pupil Premium it was noted that the Securing Good Group ensured that suggestions and information sharing took place between schools and the position in relation to special educational needs and free schools meals was also being examined and work was being undertaken in relation to this by the Group.

That Pupil Premiums could be used in a variety of ways to provide differing levels of support including additional educational curriculum support. This could involve support with school attendance.

The position in relation to Centres for Development of maths was outlined where whole schools were enabled to share support and there were various support mechanisms in place including secondary school students supporting younger students in relation to mathematics and the former Ofsted national lead in mathematics now working in secondary schools and a further Ofsted Inspector conducting work in a further two schools in the Dudley Borough.

In responding to concerns raised in relation to Ofsted and pupils attitudes to schools including their emotional wellbeing and achievements, Officers referred to the data that was analysed, providing headlines and the school improvement meetings that consider the emotional and wellbeing of children and the range of work undertaken in schools to address the emotional and wellbeing of pupils.

Concerns in relation to Ofsted were noted and Officers assured Members that should concerns arise in relation to Inspections these concerns had been and would be raised and this had resulted in appropriate action being taken in the past.

In relation to Key Stage 1, it was accepted that schools remained more focused on pupils in receipt of pupil premium at Key Stage 2 and there was a requirement to look at more early intervention as although the gap in improvement was reducing it remained wide and the funding available for early intervention would also be investigated.

Ms T Brittain, Interim Assistant Director, Children's Services, Education Services undertook to provide a response to Councillor Islam in relation to the data contained on page two paragraphs 9 and 10 of the report submitted and whether this data related to those pupils receiving free school meals.

In relation to the Ethnicity Data an Officer reported that data was analysed in relation to those children who were underachieving in order to establish whether additional work was required and schools settings have tracking which ensured that individual pupils progress was tracked.

The Cabinet Member for Children's Services and Lifelong Learning congratulated schools and Officers for the work carried out. He referred to presentations to parents in relation to special needs.

He referred to the removal of statements of special educational needs together with details of the support that could be expected in the future from a main stream school and meetings that were to take place with partners in order for the establishment of a website providing parents with further information in relation to special educational needs.

Following a suggestion of the Cabinet Member for Children's Services and Lifelong Learning the Chair proposed that this Committee scrutinise Special Needs provision at a future meeting and also suggested that the Committee may wish to scrutinise Pupil Premiums, whether good practice in relation to narrowing the gap for pupils eligible for pupil premium shared and whether Premiums used effectively and consistently.

The Chair also suggested various areas for scrutiny at future meetings of the Committee, including Special Educational Needs provision in the Dudley Borough and Loss of Statements of Special Educational Needs.

Members thanked the Early Years Team in Dudley and expressed their appreciation for the work of both teachers and support staff in schools within the Borough.

RESOLVED

That the information contained in the report submitted on the improvement in educational standards made and Members comments, be noted.

40 DUDLEY SCHOOLS OFSTED OUTCOMES

The Committee considered a report of the Interim Director of Children's Services on Dudley Schools Ofsted outcomes in the period January 2013 to December 2013.

Concerns were expressed in relation to the quality of Ofsted reports and Inspections and the fact that inspections were data driven and outcomes were pre-judged. Officers responded stating that they were satisfied with responses received from Ofsted following official letters and meetings with representatives when concerns in relation to the standard of reports and inspections were raised and they were confident in relation to the outcomes of Inspections in three schools with discussions continuing in relation to two further schools.

The Cabinet Member for Children's Services and Lifelong Learning raised concerns in relation to problematic Academies and the package of support that would be put in place for those experiencing difficulties and Officers responded stating that discussions were continuing in relation this issue.

The Chair requested Officers to provide feedback to the Committee in relation to Ofsted on a regular basis.

RESOLVED

That the report and comments of the Committee be noted.

41 SCRUTINY OF CHILD SEXUAL EXPLOITATION

The Chair referred to a draft report that had been prepared in relation to Sexual Exploitation and Trafficking and the Vice-Chair provided a brief overview of the report, making particular reference to the recommendations contained in the report.

Arising from discussions in relation to the draft report and further possible recommendations, the Interim Director of Children's Services advised as follows:-

- that the next Chat Back project would be based around child sexual exploitation and developing a project to use in schools in order to provide mandatory training in relation to this.
- That issues in relation to information sharing in relation to suspected cases of child sexual exploitation would be considered by the Vulnerable Children's Task Group and a network of Child Protection Co-ordinators could focus on these.
- That schools could be encouraged to raise awareness in relation to child sexual exploitation but could not be forced to do so.

The Cabinet Member for Children's Services and Lifelong Learning was currently investigating the cost of all Dudley Borough schools viewing a trafficking production that he had recently attended.

Members made various suggestions in relation to promoting awareness in relation to child sexual exploitation including:-

Work with the wider community to include work with the Dudley Faith Network and Dudley Council Voluntary Services in order to gather information on how to work with wider communities and that work was required with organisations and young people.

The production of News letters and the distribution of these to libraries, schools and Doctors surgeries.

A Member referred to the work of the Council's Communications and Public Affairs section who were investigating initiatives to promote awareness in relation to child sexual exploitation.

Following further discussion the Chair requested Members to advise either himself or the Vice Chair of any further recommendations they had in relation to raising awareness of child sexual exploitation.

RESOLVED

- (1) That the Interim Director of Children's Services be requested to submit the draft report on Sexual Exploitation and Trafficking to the Council's Vulnerable Children's Task Group and the Safeguarding Board.
- (2) That the Cabinet Member for Children's Services and Lifelong Learning be recommended to:-
 - (a) Ensure that arrangements are put in hand for mandatory training for all elected members on safeguarding and child exploitation training so as to raise awareness of the subject.

- (b) Continue liaison and awareness campaigns with hotel managers and staff to increase knowledge and improve recognition with all evidence from hotel rooms being retained.
 - (c) Develop closer links with Street Teams and invite them to present their Education Programme to all schools and colleges within the Dudley Borough.
 - (d) Encourage all schools in the Dudley Borough to engage in the ChildLine Schools Service.
 - (e) Retain records of Schools within the Borough who fail to engage in the ChildLine Schools Services.
 - (f) Encourage all Dudley Borough school staff to report any suspected incidents of child sexual exploitation confidentially to the Council.
 - (g) Encourage all Dudley Borough schools to engage with Saltmines and Chat Back.
 - (h) Investigate raising awareness with the wider community in relation to child sexual exploitation with Dudley Council Voluntary Services and Trade organisations.
-

42

CLOSING REMARKS OF THE CHAIR

This being the last meeting of the Committee of the current municipal year, the Chair thanked Officers and Members of the Committee for their contributions during the year.

The meeting ended at 8.15 pm

CHAIR

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Tuesday 29th April, 2014 at 6.00 p.m.
in Committee Room 3 at the Council House, Priory Road, Dudley

PRESENT:

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

OFFICERS:

R Sims, Assistant Director (Housing Strategy and Private Sector - Lead Officer to the Board), P Tart (Director of Corporate Resources) and S Griffiths (Democratic Services Manager - Directorate of Corporate Resources)

23 **DECLARATIONS OF INTEREST**

Councillor Ridley declared a non-pecuniary interest in Agenda Item No. 8 (Membership of the Children's Services Scrutiny Committee) in view of her husband being a co-opted member of that Scrutiny Committee.

24 **MINUTES**

RESOLVED

- (1) That the minutes of the meeting held on 26th February, 2014, be approved as a correct record and signed.
- (2) That a verbal progress report on the situation concerning New Bradley Hall be given to the Board in six months time.

25 **REVIEW OF COMMUNITY FORUMS**

The Board considered a report of the Director of Corporate Resources on the findings of a review of the operation of the Council's Community Forums and associated proposals.

The report concluded that the Community Forums had generally improved the opportunities for engagement between the Council and communities, through locally elected ward members.

It was acknowledged that some Community Forum meetings had been more successful than others and that good practice needed to be shared. A longer-term evaluation of Community Forums would need to be undertaken in the wider context of the developing vision of Dudley MBC as a Community Council and in the context of budget reductions, transformation of services, changing community expectations and broader work on community engagement. The identification of priorities and an improvement agenda for each individual Community Forum will help in measuring the success of the Forums in the future.

The Board considered the proposals set out in the report and commented as follows:

- That the venues used for meetings be reviewed to remove those which have been less successful and look more widely at venues which might attract a broader attendance (subject to cost). Officers were also asked to reconsider assistance to people with hearing difficulties as microphone systems/hearing loops were no longer provided.
- That the current Community Forum boundaries be maintained, subject to ongoing review, along with the frequency of meetings (five times a year) and times (6.30pm to 8.30 pm).
- That improvements be made to the Community Forum web page to provide an inbox for topic suggestions and that officers ensure that improved publicity is displayed at the meeting venues.
- That the successful online 'Facebook' Forum, undertaken at the start of each round of Community Forums, be continued. Officers were asked to consider a mechanism for feeding issues raised online into the agenda for meetings of the relevant Community Forum.
- That the use of Twitter be encouraged at Community Forum meetings.
- That meeting agendas feature a specific topic to be advertised in advance alongside the existing open agenda items. Members indicated that a notice period would be required for suggested topics and the Chairs might wish to invite suggestions for future discussion topics at the end of each Forum meeting.
- That the pilot participatory techniques initially undertaken at the Amblecote, Cradley and Wollescote, Lye and Stourbridge North be noted.
- That the principle of better managing the relationship with other statutory organisations inputting into Community Forum meetings be accepted in principle to avoid duplication and that options for occasional joint meetings be explored where the local community wishes (eg: with Police and Communities Together (PACT) meetings). Reference was also made to the reorganisation of PACT meetings and various local issues concerning the operation of these meetings across the Borough.

- That officer attendance be kept to a minimum but the need for additional specialist officer attendance be accepted where a particular item is on the agenda. Members expressed the view that officers attending should be able to answer queries at the meeting and that, in particular, proper levels of professional advice/support should be available to Members in considering grant applications.
- That meeting paperwork and action notes be less formal than at present.
- That ongoing training and support continue to be provided to lead and other officers and Forum Chairs/Vice-Chairs, as appropriate. Reference was made to the process for advising Chairs/Vice-Chairs on the outcomes/responses to items raised at the Forum meetings.
- That Chairs and lead officers establish priorities and an improvement agenda for individual forums at the start of the municipal year.
- That grant application forms and funding guidelines needed to be amended further. Members raised various issues concerning the Community Forum grants process, including:
 - the need for all necessary documents and financial information to be submitted and verified;
 - all information should be circulated to Members (by e-mail);
 - clear deadlines should be set for the submission of grant application forms (at least 14 days before the Forum meeting) with sufficient flexibility in cases of urgency;
 - Applications to the Forums should be considered as a 'last' rather than 'first' resort and community organisations/groups should be signposted to other funding streams with guidance from Dudley Council for Voluntary Services where possible;
 - Applications made to all 10 Community Forums should be considered on a proportional basis taking account of the number of wards in each area. It was recognised that that some degree of uniformity was needed in making recommendations to each Forum;
 - Further consideration should be given to the policy of allocating Community Forum funding to support mainstream Council Directorate activity;
 - Further consideration be given to the implications of the guidelines relating to applications from 'parent' organisations, with an acknowledgement that all Community Forums have the discretion to consider each and every application on its merits;
 - Some concerns were recorded about different approaches taken by Community Forums, whilst recognising that the corporate guidelines should not restrict local flexibility.

Subject to the above points, where further consideration was required, the Board accepted the report. Officers would implement any necessary changes to administrative processes and recommendations would be made to the annual meeting of the Council concerning the establishment of the Community Forums for the 2014/15 municipal year. In view of the detailed issues raised concerning Community Forum grants, it was suggested that a dedicated meeting of Chairs/Vice-Chairs and Lead Officers be arranged in June to discuss the way forward.

RESOLVED

- (1) That the proposals set out in the report, and as referred to above, be approved and that recommendations concerning the establishment of Community Forums for 2014/15 be submitted to the annual meeting of the Council on 5th June, 2014 as appropriate.
- (2) That a dedicated meeting of the Community Forum Chairs/Vice-Chairs and Lead Officers be arranged in June, 2014 to discuss the way forward concerning Community Forum grants taking account of the various detailed issues identified by the Board.

26

HEALTH SCRUTINY COMMITTEE REVIEW OF TOBACCO CONTROL

A report of the Lead Officer to the Health Scrutiny Committee was submitted on key findings, observations and draft recommendations arising from the tobacco control review.

In endorsing the report, the Board commented on the illicit tobacco trade and ongoing research in relation to e-cigarettes. An action plan had been produced based on the recommendations contained in the Appendix to the report submitted.

RESOLVED

- (1) That the report of the Health Scrutiny Committee be noted.
- (2) That the Committee's recommendations and corresponding action plan be endorsed and referred to the Cabinet and appropriate external agencies.

27

DEVELOPMENT OF THE ANNUAL SCRUTINY PROGRAMME 2014/15

The Board considered a report of the Lead Officer and the Director of Corporate Resources on the development of the Annual Scrutiny Programme for 2014/15.

The Board gave initial consideration to items to be rolled-forward from the 2013/14 programme and details of a number of suggested topic areas for potential inclusion in the Programme for 2014/15.

Further views would be sought and a report would be submitted to the next meeting of the Board. The proposed scrutiny topics would be reported to the first cycle of Scrutiny Committee meetings in the new municipal year to be followed by appropriate development sessions to support Members appointed to each Scrutiny Committee in 2014/15.

The Council's overview and scrutiny arrangements would continue to be the subject of an annual review process.

RESOLVED

That the preliminary consideration of items for inclusion in the Annual Scrutiny Programme for 2014/15 be noted and that a further report be submitted to the next meeting of the Board.

28

MEMBERSHIP OF THE CHILDREN'S SERVICES SCRUTINY COMMITTEE

Further to Minute No. 20 of the meeting of the Board held on 26th February, 2014, consideration was given to the composition and membership of the Children's Services Scrutiny Committee. Particular reference was made to the appointment of co-opted members and the need to reflect the wider remit of the Scrutiny Committee in any future arrangements.

Reference was made to the existing provisions in the Council's Constitution and the statutory regulations still in force concerning the appointment of co-opted members for education issues.

RESOLVED

- (1) That a further report on a review of the composition and membership of the Children's Services Scrutiny Committee be submitted to the next meeting of the Board.
- (2) That pending consideration of the report referred to in (1) above, the existing co-opted members appointed to the Children's Services Scrutiny Committee remain unchanged and that an appropriate recommendation be submitted to the annual meeting of the Council on 5th June, 2014.

The meeting ended at 7.45 p.m.

CHAIR

Minutes of the Overview and Scrutiny Management Board

**Wednesday 11th June, 2014 at 6.00 p.m.
at the Council House, Priory Road, Dudley**

Present:

Councillors D Blood, I Cooper, C Elcock, A Finch, C Hale, M Hanif, L Jones, M Mottram, K Turner, D Tyler and M Wood

Observer:

Councillor C Baugh

Officers:

R Sims, Assistant Director (Housing Strategy and Private Sector - Lead Officer to the Board) and S Griffiths (Democratic Services Manager - Directorate of Corporate Resources)

1 **Election of Chair**

Councillor D Tyler was elected as Chair of the Overview and Scrutiny Management Board for the 2014/15 municipal year.

2 **Election of Vice-Chair**

Councillor A Finch was elected as Vice-Chair of the Overview and Scrutiny Management Board for the 2014/15 municipal year.

3 **Apology for Absence**

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

4 **Appointment of Substitute Member**

It was reported that Councillor M Wood had been appointed as a substitute for Councillor R James for this meeting of the Board.

5 **Declaration of Interests**

Councillor D Tyler declared a non-pecuniary interest in Agenda Item No. 7 (Annual Scrutiny Programme 2014/15) in relation to the proposed scrutiny of the work and priorities of the West Midlands Police and Crime Commissioner as a Member of the West Midlands Police and Crime Panel.

6 **Minutes**

Note: The Chair asked that a suitable letter be sent to former Councillor Sue Ridney to place on record the appreciation of her past service and her significant contribution to developing health and other scrutiny-related work within Dudley MBC.

Resolved:

That the minutes of the meeting held on 29th April, 2014, be approved as a correct record and signed.

7 **Annual Scrutiny Programme 2014/15**

Further to Minute No. 27 of the meeting held on 29th April, 2014, the Lead Officer and the Director of Corporate Resources reported on the Annual Scrutiny Programme for 2014/15.

The Board had previously considered the development of the draft Annual Scrutiny Programme. Consideration had been given to items rolled-forward from 2013/14 and a number of suggested topic areas for inclusion in the programme for the forthcoming municipal year. The draft plan had been developed following consultation with Directorates and Members. Topics had been identified taking account of key corporate challenges and priorities in the business planning process.

The Board was requested to endorse the items set out below for inclusion in the 2014/15 Annual Scrutiny Plan. This included an additional item identified during the consultation process concerning corporate services provided by the Council that were shared between Directorates.

Scrutiny Committee

Corporate Performance Management, Effectiveness and Efficiency Scrutiny Committee

Areas for Scrutiny

- The Work and Priorities of the West Midlands Police and Crime Commissioner
- Corporate use of shared services

Adult, Community and Housing Services Scrutiny Committee	<ul style="list-style-type: none"> • Housing Futures Board • Dudley MBC's readiness to implement the Care Bill in April 2015
Children's Services Scrutiny Committee	<ul style="list-style-type: none"> • Childhood Neglect • Early Help Offer • Special Educational Needs Reforms
Urban Environment Scrutiny Committee	<ul style="list-style-type: none"> • Economic Development (including inward investment) • Environmental Management, Commercial Services
Health Scrutiny Committee	<ul style="list-style-type: none"> • Elements of Patient Experience in Acute Care

The Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee undertook the ongoing function to review the quarterly performance management report. The Health Scrutiny Committee also dealt with a wide range of other issues, including statutory health scrutiny items. In the draft programme reported to the Board on 29th April, there had been an item relating to the Dudley Physical Activity and Sport Strategy. In view of the workload of the Health Scrutiny Committee, a view was taken that this item should not form part of the initial Annual Scrutiny Plan, however, this might be reviewed at a future point.

Requests for the referral of any further specific topics for scrutiny would be channelled through the Overview and Scrutiny Management Board. The Board would decide whether to undertake the scrutiny review itself or refer the matter to a specific Scrutiny Committee.

Details of the scrutiny topics would be reported to the June/July cycle of Scrutiny Committees with a view to briefing Members of each Scrutiny Committee on the workload allocated to them as well as providing further background information on the topics being considered during the year.

In 2014/15, Scrutiny Committees would also focus on the detailed scrutiny of individual Directorate budget proposals whilst retaining some flexibility for cross-cutting issues. Following the programmed cycle of Scrutiny Committees in November, 2014, the Overview and Scrutiny Management Board would meet to scrutinise the overall budget proposals on a strategic basis. A meeting of the Board had been scheduled for this purpose on 25th November, 2014.

During the autumn of 2014, the Overview and Scrutiny Management Board would also consider key strategic items concerning the Better Care Fund and Corporate Restructuring. The details relating to agenda items and the start time of meetings would be subject to further discussion between the Lead Officer and the Chair and Vice-Chair.

The Council's overview and scrutiny arrangements would continue to be the subject of an annual review process. Any relevant issues would be reported to the Overview and Scrutiny Management Board during the municipal year.

Resolved:

That the Annual Scrutiny Programme for 2014/15, including the items referred to above, be approved and adopted.

8 **Membership of the Children's Services Scrutiny Committee**

Further to Minute No. 28 of the meeting held on 29th April, 2014, the Board considered a report of the Director of Corporate Resources on a review of the composition and membership of the Children's Services Scrutiny Committee.

The Overview and Scrutiny Management Board had previously indicated its wish to review the composition and membership of the Children's Services Scrutiny Committee, to ensure that the Committee remained fit for purpose and to enable it to move forward with a wider focus than just educational issues. The Board had particular regard to the number of non-elected Members who served on the Committee and the need to reflect the developing social care agenda taking account of the items in the Annual Scrutiny Programme.

The report contained a summary of the existing legal provisions concerning the appointment of co-opted members and details of the historical arrangements adopted by the Council.

The Board agreed that the existing co-opted membership was no longer appropriate for all meetings given the wider remit of the Children's Services Scrutiny Committee. Views were expressed on the size of the Committee and the need to avoid a single focus on educational issues.

The Board recommended that the statutory co-opted members should be retained and that the Children's Services Scrutiny Committee establish a pool of specialist/key contacts to be invited to attend to advise the Committee, or give evidence where appropriate, at specific meetings. This would provide for flexibility depending on the topics under discussion. It was envisaged that the pool of contacts could include a wide range of educational and social care professionals, faith groups, disability groups, trade unions and persons from other Boroughs with specific expertise.

Resolved:

That the Council be recommended to approve amendments to the co-opted membership of the Children's Services Scrutiny Committee, as outlined above, namely to retain the statutory co-opted members and that the Scrutiny Committee be requested to establish a pool of specialist/key contacts to be invited to advise the Committee, attend or give evidence at meetings, as appropriate, depending on the specific topics under discussion.

The meeting ended at 6.40 p.m.

CHAIR

Minutes of the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee

Wednesday 18th June, 2014 at 6.00 pm
In Committee Room 2, The Council House, Dudley

Present:-

Councillor D Blood (Chair)
Councillor B Cotterill (Vice-Chair)
Councillors C Baugh, D Caunt, A Finch, S Henley, I Marrey, M Mottram,
D Russell and M Wood.

Officers:-

S Byatt (Apprentice), H Ellis (Divisional Lead - Intergrated Youth Support), K Jackson (Consultant – Public Health), J Jennings (Head of Communications and Public Affairs), M Johal (Democratic Services Officer), I McGuff (Assistant Director, Quality and Partnership), I Newman (Treasurer), G Thomas (Assistant Director, Policy and Improvement (Lead Officer to the Committee)) M Williams (Assistant Director - Environmental Management), M Wooldrige (Principal Policy and Performance Management Officer)

1 **Apology for Absence**

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

2 **Appointment of Substitute Member**

It was reported that Councillor D Vickers had been appointed as a substitute member for Councillor P Harley for this meeting only.

3 **Declarations of Interest**

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

4 **Minutes**

Resolved

That the minutes of the meeting of the Committee held on 25th February, 2014, be approved as a correct record and signed.

Update on Apprenticeships

The Committee received a presentation updating Members on the Council's apprenticeship programme.

The Head of Communications and Public Affairs, Divisional Lead - Intergrated Youth Support and Miss Byatt (Apprentice) were in attendance for this item and points made during the course of the presentation included the following:-

- The Council's priority was to develop internal apprenticeships across the Council to help school leavers in attaining a job and the opportunity to learn
- The Council hoped to be regarded as an authority that provided high quality and rewarding apprenticeships for the young people; to show leadership in 'growing our own talent' and that apprentices develop 'work ready' skills that will benefit the whole of the Borough and economy as a whole
- Advantages of the scheme were that it supported young people to be trained with a recognised employer, improved chances of young people getting a job and staying local, enriched the organisation, helped close the Council's skills gap in a positive way using work force planning opportunities and that there were benefits for future local employment.
- The TORCh leadership programme had identified problems with the Council's apprentice scheme in that there was no clear vision for apprenticeships across the Council; the Council were unable to quantify participation, range of services, satisfaction and completion; there was a fragmented recruitment policy; there were inconsistent procedures for managers and there was not enough quality baseline data.
- Solutions to the problems that had been identified included clarification that management responsibility for Council apprenticeships lay within Corporate Human Resources; robust record keeping in relation to the recording and tracking of the number of apprentices; the development of a handbook for managers and a prospectus for apprentices and the agreement to a framework for management review and feedback data.
- Other developments included the implementation of a civic induction and a celebration event to mark the conclusion of the apprenticeship (scheduled on a six monthly basis); an updated protocol for looked after children; amended workforce planning document that includes the consideration of apprentices; opened discussions with Human Resources about including apprentices on the redeployment register and agreed recommendations for quarterly performance monitoring.

Following the presentation of the information Members raised the following queries and responses were given as indicated:-

- The number of apprentices that had been taken on by the Local Authority was queried – It was explained that currently there was insufficient data available to give a definitive answer. It was also pointed out that given the budgetary constraints and reduction in staff this also had an impact on offering jobs to apprentices.

A Member requested that when sufficient data was available a report be submitted to the Committee showing evidence that the Council were “growing our own talent” and closing the skills gap as highlighted in the presentation given.

- How many apprentices were currently on the Council’s scheme? – There were 92 apprentices within the Council and they were predominantly in administration. However, apprenticeships were now being spread into other areas such as greencare, housing and construction.

A Member commented that there was a gap in engineering and an apprenticeship scheme should be made available within this field.

- Reference was made to updating the protocol for “Looked after Children” and it was queried whether any consideration had been given to those with learning disabilities – People with learning disabilities were given the same opportunity and support as looked after children were, however, it was acknowledged that the numbers were low and that there was a need to work on publicity. It was stated that an analysis of the 92 apprentices within the Council could be undertaken with a view to ascertaining the number of those that had disabilities.
- The methods used for advertising the Council’s Apprenticeship Scheme – Attendance at recruitment fairs, on the Council’s Website and direct work with Colleges and Schools and it was reported that there was a dedicated Apprentice Task and Finish Group.

Miss Byatt briefly explained about the work undertaken by her as an apprentice and informed the Committee that she had been offered and had accepted a job elsewhere.

The Lead Officer to the Committee reported that consideration would be given to including information on the apprentice scheme in the regular quarterly corporate performance reports in the 2014/15 Municipal Year.

The Chair, on behalf of the Committee, thanked the Head of Communications and Public Affairs and her team for their hard work and wished Miss Byatt all the best in her future employment.

Resolved

That the oral presentation given on the Council's apprenticeship scheme, be noted.

6 **Report back on the Tourism Website**

The Committee received a presentation updating Members on the Council's tourism website.

The Head of Communications and Public Affairs referred to concerns raised at a previous Committee meeting about the tourism website and in particular that there was no single site to access the relevant information. The Marketing and Communications section took on the responsibility of tourism in December 2013 and since then the tourism website "Discover Dudley" was being updated and refreshed in phases.

Head of Communications and Public Affairs displayed the website on screen and navigated the pages of the tourism website for Members' information and commented that the website was now an integral part of the Council's website.

In responding to queries from Members, Head of Communications and Public Affairs informed the Committee that following completion of the revamp work to Dudley Market there would be opportunities to holding events to attract tourism, that blogs for the website were instantaneous and that updating and managing of information on the website was undertaken by the individual businesses. A Member suggested that the inclusion of more pictures than text would make the site more attractive.

The Lead Officer to the Committee undertook to refer the matter relating to concerns raised about the state of Dudley Museum to relevant Officers and to update Members on any feedback.

The Chair, on behalf of the Committee, thanked Head of Communications and Public Affairs and her team for their hard work and on their achievements.

Resolved

That the oral report given on the Tourism Website be noted.

7 **Annual Scrutiny Programme 2014/15**

A joint report of the Lead Officer and the Director of Corporate Resources was submitted on items proposed and suggested for inclusion in the Annual Scrutiny Programme for detailed considered by this Scrutiny Committee during 2014/15.

Resolved

- (1) That the issue on The Work and Priorities of the West Midlands Police and Crime Commissioner, as contained in the Annual Scrutiny Programme for 2014/15, and as referred to in paragraph 3 and Appendix 1 to the report submitted, be noted.
- (2) That the suggested item, as referred to in paragraph 4 of the report submitted, relating to services provided by the Council that are shared between Directorates also be included as an item for detailed scrutiny and that outline discussions on the matter take place at the meeting of the Committee to be held in November 2014 with a view to substantive discussions taking place at the meeting in February 2015.

8

Corporate Quarterly Performance Management Report

A report of the Chief Executive was submitted on the fourth Quarterly Corporate Performance Management Report for 2013/14 relating to performance for the period 1st January to 31st March, 2014.

Arising from an overview of the content of the report by the Principal Policy and Performance Management Officer, Members asked questions to which responses were given, as follows:-

- Clarification on the indicators given and whether there was a national benchmark that could be used for comparison purposes – Although there were a whole range of matrix indicators online there was no national benchmark and that the indicators given reflected the Council's own year on year performance.

The Lead Officer to the Committee referred to the former Best Value Performance Plan which had included information to allow comparisons to be made, however, since its removal the requirement to produce information on 146 performance indicators had also been removed, making ongoing comparisons much harder. Essentially, it was intended to attempt to incorporate wider benchmarking into the next performance review cycle, with the likelihood that end of year information would be available to review 2014/15 outcomes.

- In relation to Young People (performance indicator 434, average time (days) to match a child to an adoptive family) – Members expressed concerns relating to the length of time taken in the adoption process; there was no information or indicators to portray or measure quality; the target of 182 days was considered to be unachievable and it was considered that the target should reduce gradually from the actual target of 299.

The Assistant Director, Quality and Partnerships explained that the primary purpose of the team was to meet the needs of the child and to ensure adoption would not lead to a breakdown and would be of a permanent nature. Although the number of children to be adopted was a small group there were varying problems associated with particular adoptions, for example, this year there had been seven sibling groups which delayed the process as efforts were made to ensure that siblings were not split.

With regard to targets, the Assistant Director, Quality and Partnerships indicated that these were set by Central Government and should be aspired to and he explained that the target of 182 days was a metropolitan average figure.

- In relation to Health and Well-Being (performance indicator 67, number of eligible cohort offered an NHS Health Check) – Members expressed concerns relating to the targets as they were progressively failing each quarter; the budget that had been allocated was to conduct nine thousand checks but as the target had not been achieved it was queried whether the money had been spent elsewhere or whether savings had been made and as GP's were not meeting targets whether consideration could be given to exploring other sources such as family and children's centres to undertake health checks and diverting funding accordingly.

The Consultant for Public Health briefly explained how the Health Check programme worked, specifics relating to its delivery and also gave details relating to the eligibility criteria. She explained that the target relating to the eligible cohort was one fifth of the overall cohort of which 50% uptake had to be achieved from those invited. The reason for the targets being missed for the current year had been due to the numerous changes to primary care and in the main due to the changes to technological systems which involved a massive migration process which had greatly impacted upon providers in delivering health checks in a timely manner. The Public Health Team had undertaken some work to mitigate the problems such as working with the Information Technology supplier, ensuring that General Practitioners (GP's) did not delay the signing of the data sharing agreement and that staff were undertaking visits to move things forward as quickly as possible. However, although some recovery had been made the target had not been reached as there were other compounding reasons such as capacity issues within GP practices and Pharmacies.

With regard to the allocated budget for health checks the Consultant for Public Health stated that the money left over had been used for marketing purposes to raise public awareness, a point of care system had been purchased and additional providers had been taken on board to assist in conducting health checks. It was considered that if children's and family centres were in agreement and staff held an appropriate health care qualification there was no reason why they could not conduct health checks. However, GP's still had to be involved as checks were reliant and based on information held by GP's in their practices on their patients.

In response to a comment made by a Member in that Public Health were now part of the Local Authority and that Members should be given the opportunity to scrutinise their budget, the Treasurer stated that the intention was to align Public Health with the main budget process and it was expected that information on their budget would be included in reports for 2015/16. However, it was pointed out that public health money was ring fenced and there were limits on its use.

A Member suggested that wording should be included in letters sent out by GP's to inform patients that they had the option to go to an alternative provider and listing the alternative places available to them to where they could have their health check.

- In relation to comments regarding various performance indicators in respect of household and municipal waste, the Assistant Director – Environmental Management commented that wheelie bins had been introduced because of health and safety risks and employees were now obligated to carry out a “dynamic risk assessment” associated with the collection of bags; if bins were damaged the Council would, following an assessment, either repair or replace the bin; records were kept on those residents and households that did not recycle and appropriate letters would be sent out to encourage participation; there were problems with tenants in flats to recycle because of storage issues and discussions were taking place with a view to addressing the problems.

It was suggested that timings of the garden waste collection period be revisited to extend green waste collection in the winter months and to delay start up of collections to March or April as trees were shedding leaves later in the year.

Arising from a comment made the Assistant Director – Environmental Management stated that when the recycling programme was rolled out a comprehensive booklet had been sent out to inform residents on materials to be recycled, however he acknowledged the need to remind residents and undertook to send out follow up information.

The Committee thanked the Assistant Director – Environmental Management for the work undertaken and in particular the work undertaken regarding the litter pick in conjunction with the community.

- In relation to Section 5, Corporate Risks, performance indicator ORG0002 (the Council may be unable to set and/or manage its budget so as to meet its statutory obligations within the resources available), the Treasurer explained that there was a risk and detailed discussions had been held at the Audit and Standards Committee meeting in February of this year. The budget had been set in March which highlighted the need for savings of £34 million to be made over the next three years. Even with these savings, that budget showed a deficit rising to £23 million by 2017/18 and Local Authority reserves at the time were only sufficient to sustain this deficit until part way through 2016/17 and it was pointed out that further savings would need to be made.

Resolved

That the information contained in the Quarterly Performance Management Report in respect of performance for the period 1st January to 31st March, 2014, be noted together with the comments made at this meeting and that the Officers indicated undertake the actions referred to above.

The meeting ended at 8.25 pm.

CHAIR

APPEALS COMMITTEE

Wednesday 2nd April, 2014, at 10.05 a.m.
in Committee Room 3

PRESENT

Councillor J Martin (Chair)

Councillor Hale (Vice-Chair)

Councillors Bills, Elcock, Evans, Ms Nicholls and Mrs Turner, together with Mrs K Jesson – HR Advisor to the Committee, Mr M Farooq – Legal Advisor to the Committee, Mr A McCabe – Employment Solicitor, Mrs T Reilly – Assistant Director Human Resources, and Mrs K Taylor (all Directorate of Corporate Resources)

ALSO IN ATTENDANCE (AS INDICATED)

The Assistant Director of Housing Services, the Directorate of Adult, Community and Housing Services.

Mr SR and his representative Ms SN.

ALSO IN ATTENDANCE (AS OBSERVERS)

Mr C Lyall (Directorate of Corporate Resources) and Mr S Beardsmore (Unison).

No objections were raised to the observers attending the meeting.

Councillors Elcock and Mrs Turner left the meeting prior its commencement.

16. **APOLOGIES FOR ABSENCE**

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

17. **DECLARATIONS OF INTEREST**

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

18. **MINUTES**

That, the Minutes of the meeting of the Committee held on 15th January, 2014, be approved as a correct record and signed.

19. EXCLUSION OF THE PUBLIC

RESOLVED

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

<u>Description of Item</u>	<u>Relevant Paragraph of Part I of Schedule 12A</u>
Appeal by Mr SR	1

20. APPEAL BY MR SR

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

Prior to the commencement of the hearing both parties confirmed that the statement of facts had been agreed.

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

Mr SR was in attendance at the meeting and his representative Ms SN summarised his case and in doing so reported that some information that had been submitted to the Disciplinary Hearing on 22nd January, 2014, had not been included in the pack presented to the Committee. Ms SN responded to questions from the Committee.

The Council's representative, Mr A McCabe summarised the Council's case and responded to questions from the Committee.

There followed an adjournment in order for the Committee to consider a further document submitted by Ms SN that had been submitted to the Disciplinary Hearing and not the Committee.

The meeting re-convened and Mr McCabe called the Assistant Director of Housing Services as a witness who read her witness statement.

There followed an adjournment.

The meeting was re-convened and the Assistant Director of Housing Services responded to questions from the Committee, the Human Resources Advisor to the Committee, the Legal Advisor to the Committee, and Ms SN.

There followed a brief adjournment.

The meeting was re-convened and the Assistant Director of Housing Services continued to respond to questions from the Committee.

There followed an adjournment in order for the Committee to consider evidence of a trade-pack issued to Mr SR.

The meeting re-convened and Ms SN responded to questions from the Committee, the Legal Advisor to the Committee, and Mrs Reilly.

There followed a short adjournment requested by Ms SN.

Following the final submissions from both parties, the parties left the meeting, at which point the Committee continued its deliberation. Following its deliberation it was

RESOLVED

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

(The Committee were unanimous in the above decision).

- (2) That all information pertinent to a case and relevant to the allegations made should be included in the documentation to be submitted at the Committee.
- (3) That the Assistant Director of Human Resources and Organisational Development be requested to review the Council's Employee Improvement and Disciplinary Procedure, in particular the process in relation to an officer's appointment as Investigating Officer during investigations.

The meeting ended at 4.40pm

CHAIR

AC/11

Minutes of the Appeals Committee

Wednesday 18th June, 2014 at 10.00 am
In Committee Room 3, The Council House, Dudley

Present:

Councillor J Martin (Chair)
Councillor A Aston (Vice-Chair)
Councillors I Marrey, D Perks, H Rogers.

Officers:

J Hartley (Solicitor), K Jesson (HR Service Partner), T Reilly (Assistant Director of Human Resources), S Riaz (Legal Advisor to the Council) and K Buckle (Democratic Services Officer).

Also in Attendance (As Indicated)

An Assistant Director of Adult, Community and Housing Services, PP and her representative GG.

1 Opening remarks of the Chair

The Chair welcomed those present including past and new Members of the Committee.

2 Councillor J Woodall

As a mark of respect following the death of Councillor J Woodall the Committee held one minutes silence.

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 held on 2nd April, 2014, be approved as a correct record and signed.

5 Exclusion of the Public

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information relating to an individual as defined under Part 1 of Schedule 12A to the Local Government Act 1972.

<u>Description of Item</u>	<u>Relevant Paragraph of Part I of Schedule 12A</u>
Appeal by PP	1

6 **Appeal by PP**

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

Prior to the commencement of the hearing both parties confirmed that the Statement of Facts had been agreed.

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

PP was in attendance at the meeting and her representative Mr GG summarised the case.

The Council's representative J Hartley summarised the Council's case.

J Hartley called an Assistant Director of Adult, Community and Housing Services as a witness who read their witness statement. The Assistant Director responded to questions from the Appellant's representative Mr GG.

PP presented her case and responded to questions from the HR Advisor to the Panel, the Legal Advisor to the Panel, the Assistant Director of Human Resources and Organisational Development and the Panel.

There followed a short adjournment.

The meeting was reconvened and following final submissions from both parties, the parties left the meeting, at which point the Committee continued its deliberation. Following its deliberation it was

RESOLVED

That the decision to dismiss Mrs PP be upheld as the Committee considered that there were no exceptional mitigating circumstances to justify action short of dismissal.

(The Committee were unanimous in the above decision)

The meeting ended at 12.50 pm.

CHAIR

AUDIT AND STANDARDS COMMITTEE

Thursday 17th April, 2014 at 6.00 p.m.
in Committee Room 3, The Council House, Dudley

PRESENT:-

Councillor Cowell (Chair)
Councillor Arshad (Vice-Chair)
Councillors Perks, Russell, Taylor, K Turner and C Wilson.

Officers

Treasurer, Assistant Director (Law and Governance), Head of Audit Services, Audit Managers, Principal Auditor and Mrs K Taylor (All Directorate of Corporate Resources).

Also in Attendance

Ms. S. Joberns (Grant Thornton)

53. APOLOGIES FOR ABSENCE

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

54. APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor Perks had been appointed as substitute member for Councillor Tyler for this meeting of the Committee only.

55. 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.

56. MINUTES

Arising from the consideration of the minutes, the Chair referred to a previous meeting of the Committee in December, 2013 when it was resolved that a progress report in relation to the risk ORG0017 – Welfare Reforms would be considered by the Committee in April 2014. The Chair reported that she had agreed that a briefing note would be circulated to Committee members by 14th May, 2014, as officers were currently working on year end figures.

RESOLVED

That the minutes of the meeting held on 13th February, 2014, be approved as a correct record and signed.

57. 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. 10, 6, 5, 7, 8, 9, 13 and 14.

58. CONFIDENTIAL REPORTING POLICY

A report of the Monitoring Officer was submitted on the monitoring of the operation of the Council's Confidential Reporting Policy.

The Assistant Director (Law and Governance) in his presentation of the content of the report and Appendix 1 to the report submitted, which was a copy of the Policy, commented that there had been two recorded incidents of use of the Policy by staff this year, which were investigated and one found to be malicious and the other not substantiated.

Arising from the presentation given Members asked a number of questions and made comments that were responded too, in particular in respect of the controls implemented to avoid allegations made that were found to be malicious.

RESOLVED

That the information contained in the report, and Appendix to the report, submitted on the outcome of the recent monitoring of the Confidential Reporting Policy, be noted.

59. GRANT THORNTON AUDIT PLAN 2013/14

A report of the Treasurer was submitted on the External Auditor's Audit Plan for 2013/14 attached as Appendix 1 to the report submitted.

Ms Joberns from Grant Thornton was in attendance at the meeting and commented on the content of the Appendix, which assessed their opinion on the Council's financial statements and the arrangements for achieving value for money.

Arising from the presentation given Members asked a number of questions that were responded too, in particular in respect of the definition of financial resilience, and equal pay status. In responding to a Member in relation to equal pay, the Treasurer reported that a total of £57million had been paid following the acceptance of offers, £2million of offers were outstanding, and provision of any future claims would need to be addressed.

RESOLVED

That the information contained in the report, and Appendix 1 to the report, submitted on the External Auditor's Audit Plan for 2013/14, be noted.

60. GRANT THORNTON AUDIT COMMITTEE UPDATE

A report of the Treasurer was submitted on a report published by Grant Thornton updating members on progress in delivering their responsibilities as Dudley's external auditors. A copy of the full report was appended to the report submitted.

Ms Joberns then presented the report and Appendix to the report submitted and commented in particular that the purpose of the report was to report progress and highlight emerging national issues and developments that may be relevant to the Council.

In responding to a question by the Chair, Ms Joberns reported that good progress had been made and all deadlines had been met.

RESOLVED

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

61. GRANT THORNTON – INFORMING THE AUDIT RISK ASSESSMENT

A report of the Treasurer was submitted on a report published by Grant Thornton "Informing the Audit Risk Assessment for Dudley Metropolitan Borough Council" to contribute towards the communication between the external auditors and the Audit and Standards Committee.

Ms Joberns presented the report and appendix to the report submitted and made reference to the proposed Management Responses to the matters covered in the report submitted.

Arising from the presentation given Members asked a number of questions and made comments that were responded too, in particular in respect of fraud and the sanctions available; the process undertaken should the Council exceed resources and the potential effects following the proposed Government changes to pensions.

RESOLVED

That the information contained in the report, and Appendix to the report, submitted on “Informing the Audit Risk Assessment for Dudley Metropolitan Borough Council” published by Grant Thornton, be noted.

62. AUDIT PLAN FOR THE PERIOD 2014/15

A report of the Treasurer was submitted on the work that the Audit Services Division planned to undertake during the period from 1st April, 2014 to 31st March, 2015, further details of which were appended to the report submitted.

The Head of Audit Services reported that there had been a reduction in members of staff since December, 2013 which had made an impact on the service, therefore work was undertaken to consolidate and balance the number of audits within the Council , in consultation with all Directors.

In responding to a question by a member in respect of the increase of audits in Chief Executive’s; the Head of Audit Services confirmed that the increase was the result of an increase in the number of corporate audits and, the merging of the Directorate with Public Health.

RESOLVED

That the information contained in the report, and Appendices to the report, submitted be noted and that the Audit Plan for the period 2014/2015, as set out in Appendix A to the report submitted be approved.

63. REVIEW OF THE CODE OF CORPORATE GOVERNANCE

A report of the Treasurer was submitted on the results of a review of the Code of Corporate Governance. A copy of the revised Code of Corporate Governance was appended to the report submitted, for approval.

Arising from the presentation of the report and Appendix to the report, submitted, the Head of Audit Services made particular reference to the draft document “Good Governance is Everyone’s Business”, as set out in Appendix B to the report submitted, produced by Audit Services, that was aimed at managers and Members.

In responding to a question by a Member in relation to the annual review of the Code of Corporate Governance; the Head of Audit Services undertook to arrange for the Chair, Vice-Chair of the Audit and Standards Committee and Cabinet Member of Finance to be involved in the consultation process.

RESOLVED

- (1) That the information contained in the report, and Appendix to the report, submitted be noted.

ASC/31

- (2) That the revised Code of Corporate Governance, attached as Appendix A to the report submitted, be approved.
- (3) That the Director of Corporate Resources be authorised to take the necessary action to incorporate the revised Code into the Constitution.
- (4) That the publication “Good Governance is Everyone’s Business”, attached as Appendix B to the report submitted, be approved.
- (5) That the Head of Audit Services be requested to arrange for the Chair, Vice-Chair of the Audit and Standards Committee and Cabinet Member of Finance to be involved in the consultation process in relation to the annual review of The Code of Corporate Governance.

64. EXCLUSION OF THE PUBLIC

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

<u>Description of Item</u>	<u>Relevant Paragraphs of Part I of Schedule 12A</u>
Report Required Under Standing Orders	2 and 7
Audit Services Annual Fraud Report	2 and 7

65. REPORT REQUIRED UNDER STANDING ORDERS

A report of the Treasurer was submitted on any instances arising under Standing Order 3.2 and 9.8 during the period July to December, 2013 inclusive.

Arising from the presentation of the report and Appendix to the report, submitted, the Head of Audit Services undertook to provide the Chair with supplementary information in relation to the timeframe for reducing the backlog of work in Benefit Services.

RESOLVED

- (1) That the information contained in the report submitted be noted.

- (2) That the Head of Audit Services be requested to provide the Chair with supplementary information in relation to the reduction of the backlog of work in Benefit Services.
-

66. AUDIT SERVICES ANNUAL FRAUD REPORT

A report of the Treasurer was submitted on the work that the Audit Services Division had undertaken and was planning to undertake on the issue of fraud, and on the work of the Tenancy & Benefit Fraud Teams. A copy of the Anti-Fraud and Corruption Strategy was also appended to the report submitted.

In presenting the report, the Head of Audit Services referred to the number of projects undertaken by Audit Services in providing information and education to Officers on how to prevent and detect fraud. It was also noted that information in respect of the Fraud Survey would be published through various avenues such as Message of the Day, and on payslips.

The Head of Audit Services further reported that it was likely that there would be a reduction in investigations once the Dudley Housing Benefit Fraud Team has transferred to a Single Fraud Investigation Scheme.

RESOLVED

- (1) That the information contained in the report, and Appendices to the report, submitted, be noted.
 - (2) That the suppliers "Code of Practice" be approved.
 - (3) That the Anti Fraud and Corruption Strategy, be approved, and that the Director of Corporate Resources be authorised to take the necessary action to incorporate the revised Strategy into the Constitution.
-

67. COMMENTS OF THE CHAIR

This being the last scheduled meeting of the Committee in the current municipal year, the Chair thanked Members, Officers and Grant Thornton for their help and support throughout the municipal year, and gave her best wishes to Councillor C Wilson for his pending retirement.

The meeting ended at 7.30 p.m.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Monday 31st March, 2014 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Zada (Chair)
Councillors A Ahmed, Caunt, Hale, J Martin, Perks, Roberts, Mrs Westwood
and C Wilson

OFFICERS:-

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

78 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of
Councillors Casey and Wright.

79 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillors Caunt and Hale had been appointed as
substitute members for Councillors Wright and Casey respectively for this
meeting only.

80 DECLARATIONS OF INTEREST

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

Councillor Roberts in Planning Application Nos P13/1751 (Dudley College,
The Broadway Dudley) and P13/1758 (Evolve (Dudley College, Tower Street,
Dudley), as she was a colleague of the speaker.

Councillor Caunt in Planning Application No P11/0107 (Land at Lowndes
Road/Bradley Road, Stourbridge) in view of him being the Chairman of
Stourbridge Navigation Trust.

81 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 10th March, 2014, be approved as a correct record and signed.

82 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 had indicated that they wished to speak at the meeting and spoke on the planning application:-

Plan No P14/0166 – Mr Dale Homer – an objector and Mr Bennett – an agent/applicant

- (i) Plan No P14/0166 – Somerset House, 121 Enville Street, Stourbridge – Part A – Erection of Smoking Shelter to the Eastern Boundary (Retrospective) Part B – Single Storey Side/Rear Extension and Alteration of Access for First Floor Office Accommodation
-

Decision:

- (1) That Part A of the application be refused for the reason as set out in the report submitted.
- (2) That Part B of the application be approved subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
- (3) That the Director of the Urban Environment be authorised to take enforcement action against the unauthorised smoking shelter, should negotiations regarding a more appropriate location not succeed.

- (ii) Plan No P11/0107 – Land at Lowndes Road/Bradley Road, Stourbridge – Outline Application for Development of up to 80 Dwellings (Access to be Considered with all Other Matters Reserved) (Resubmission of Refused Application P06/0001)

Arising from the presentation of the report it was considered that a Section 106 contribution should also be made towards upgrading the towpath.

Decision: Approved, subject to the following:-

- (1) The signing of a legal agreement to guarantee the provision of
i) a scheme for the off-site provision and future maintenance of public open space and children's play facilities to be submitted to and approved by the Local Planning Authority in accordance with the requirements of the Open Space and Planning Obligations Supplementary Planning Documents; ii) a contribution towards either upgrading the stop poles in the surrounding area to shelters or towards improvements to bus services in the area; iii) affordable housing, iv) a management and monitoring fee and iv) a contribution to upgrade the adjacent towpath.
- (2) The completion of the Agreement by 31st June, 2014 and, in the event of this not happening, the application being refused, if appropriate.
- (3) Conditions, numbered 1 to 30 (inclusive), as set out in the report submitted.

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

Prior to the consideration of the following matter the meeting adjourned and reconvened at 7.00 pm.

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

Arising from the presentation of the report Members were of the view that there was no justification in opening the passageway for access and egress and that it would have an impact on residential amenity.

Decision: Refused for the following reason:-

The proposed development, by virtue of increased pedestrian movements will result in an unacceptable level of increased noise and disturbance to the occupiers of numbers 10 and 12, The Broadway contrary to the requirements of saved policy DD4 of the UDP (2005).

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

Arising from the presentation of the report Members made various points and comments including the view that there did not seem to be any justification to open the passageway as students used the crossings at Ednam Road and the Broadway to access the College. Reference was also made to the zoo garage and if students were encouraged to use the passageway they would potentially have to walk in front of the working garage.

During the ensuing debate consideration was given to the information given on the pedestrian count and some Members were of the view that the number of students using the passageway could potentially increase which would result in additional noise and disturbance thus impacting on residential amenity. The crossing would also exacerbate the existing problem of traffic congestion and have a further impact on air quality in the area.

Decision: Refused for the following reasons:-

- (1) The proposed development would have an adverse impact on the amenities of the occupants of 10 and 12, The Broadway, by reason of disturbance resulting from people congregating whilst waiting to use the crossing facility, sounds emanating from the operation of the associated crossing equipment and the starting and stopping of vehicles, contrary to Saved UDP Policy DD4 (Development in Residential Areas).
- (2) The proposed development would result in queuing vehicles along this part of The Broadway which will result in a degradation in air quality within the vicinity of the crossing in close proximity to a location which has been identified as having poor air quality to the detriment of the amenities of the occupants of The Broadway, contrary to Saved UDP Policy DD4 (Development in Residential Areas) and Black Country Core Strategy Policy ENV8 Air Quality.

(v) Plan No P14/0002 – Northern Edge of the Former Cradley High School, Cradley, Halesowen – Approval of Reserved Matters for Erection of 9 No Dwellings, Garages, Associated Works and Emergency Access to the Retirement Village (Following Outline Approval P12/1447)

Decision: Approved, subject to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted, together with additional conditions, numbered 7 to 9, as follows:-

7. Prior to the development first being occupied the detailed design of the extension of Ormande Close and the provision of the emergency access from Homer Hill Road to Ormande Close shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with those details prior to the first occupation of the development and it shall be retained as such thereafter.
8. Notwithstanding the details shown on the approved plans full details of the access roads and parking areas including cross-section, lines, widths, levels, gradients, drainage and lighting shall be submitted to and agreed in writing prior to those works being commenced. The development shall be carried out in full accordance with the approved details prior to the development first being brought into use and shall be retained as such for the life of the development.
9. No additional vehicular access points to the site shall be inserted in the boundary other than those shown on the approved plans.

- (vi) Plan No P14/0066 – 25 Dunsmore Drive, Quarry Bank, Brierley Hill – Conversion and Extensions to Existing Garage to Create Habitable Room. Single Storey Side/Front 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 P14/0106 – 3 Linden Drive, Oldswinford, Stourbridge – Single and Two Storey Side, First Floor Side/Rear and Two Storey Rear Extensions. Part Conversion of Existing Garage to Create Habitable Room. (Resubmission of Withdrawn Application P13/1704)

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

- (viii) Plan No P14/0162 – Corner Site of Clement Road and Nimmings Road, Black Heath – Erection of a Two Storey Building to Create 6 No Apartments

Decision: Approved, subject to conditions, numbered 1 to 4, 6 to 20 (inclusive), as set out in the report submitted, together with an amended condition, numbered 5, and additional condition, numbered 21, as follows:-

5. The development shall not commence until details of the access road and the car parking bays including, structures, lines, widths, levels, gradients, form of construction, cross sections, lighting and drainage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling and thereafter retained for the lifetime of the development.
21. No development shall commence until details for the provision of external electric vehicle charging points, in accordance with the specification within the Parking Standards Supplementary Planning Document, have been submitted to and approved in writing by the Local Planning Authority. The charging points shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
- (ix) Plan No P14/0165 – Land Adjacent to 31 Gads Green, Netherton, Dudley – Erection of 1 No Dwelling to Include Lower Ground Floor Associated 1 No Bedroom Annex with Ancillary Works (Resubmission of Withdrawn Planning Application P13/0612)

Decision: Approved, subject to conditions, numbered 1 to 11 and 13 to 18 (inclusive), as set out in the report submitted, together with an amended condition, numbered 12, as follows:-

12. Development shall not commence until details of the retaining wall, including structural calculations, slope stability analysis, drainage and method of construction, have been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the retaining walls shall be implemented in accordance with the approved details and thereafter maintained for the life of the development.

The meeting ended at 7.50 pm.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Tuesday 22nd April, 2014 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

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

OFFICERS:-

Mr I Hunt, Mrs H Martin and Mrs S Willettss (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

83 APOLOGIES FOR ABSENCE

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

84 APPOINTMENT OF SUBSTITUTE MEMBER

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

85 DECLARATIONS OF INTEREST

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

86 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 31st March, 2014, be approved as a correct record and signed.

PLANS AND APPLICATIONS TO DEVELOP

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

- (i) Plan No P13/1887 – The Hearty Goodfellow, 3 Maughan Street, Dudley – Two Storey Rear Extension to Create 2 No Retail Units with 2 No Flats Above (Following Demolition of Existing Toilets and Store). Single Storey Side Extension to Existing Building to Create Restaurant/Public House and Provision of Additional Flat on First Floor

Decision: Approved, subject to conditions, numbered 1 and 3 to 11 (inclusive), as set out in the report submitted, together with the deletion of condition, numbered 12, replacement of condition, numbered 2 and reworded condition, numbered 4, as follows:-

2. No development shall commence until the site layout plan 12:63:12c showing the provision of a) 24 spaces at the site which accord with the dimensions set out in the parking standards SPD and b) a widened entrance to the parking area has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details and shall remain as such in perpetuity.
4. Prior to the commencement of development, details of loading and unloading and details of turning facilities for all service vehicles to enter and egress in a forward gear shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details and shall remain as such in perpetuity.

- (ii) Plan No P14/0325 – Alliband Business Services Ltd, 14A-14B, Enville Road, Wallheath – Change of use from Mixed Use Retail (A1) and Office (B1A) to Retail Only (A1) with Proposed New Shop Front

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

The meeting ended at 6.30 pm.

DEVELOPMENT CONTROL COMMITTEE

Monday 12th May, 2014 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

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

OFFICERS:-

Mr J Butler, 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)

88 DECLARATIONS OF INTEREST

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

Councillor Wright in Planning Application No P14/0560 (Dudley Black Country Living Museum) as he is a Trustee of Black Country Living Museum.

Councillor Perks in Planning Application No P14/0270 (1 Whittington Road, Norton, Stourbridge) as she knew the objector speaking on the application.

89 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 22nd April, 2014, be approved as a correct record and signed.

PLANS AND APPLICATIONS TO DEVELOP

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

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

Plan No P14/0270 – Mr Alun Nichollas – an objector

Plan No P14/0461 – Mr Barry Folkes – an objector and Mr Zarelli – an agent/applicant

- (i) Plan No P14/0270 – 1 Whittington Road, Norton, Stourbridge – Demolition of Existing Dwelling and Erection of 14 No Dwellings with Associated Access Road and Garages

Decision: Approved, subject to conditions, numbered 1 to 26 (inclusive), as set out in the report submitted.

- (ii) Plan No P14/0461 – Workshop Rear of 2, Belgrave Road, Halesowen – Demolition of Existing Workshop and Erection of New Workshop for Car Repairs and Spares (Retrospective) (Resubmission of Withdrawn Planning Application P13/1392)

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

- (iii) Plan No P14/0274 – Morrisons, Stallings Lane, Kingswinford – Demolition of Existing Industrial Unit, Petrol Filling Station and Food Store. Erection of New Food Store (A1), Petrol Filling Station and Associated Car Parking and Delivery Areas all on one Level (Resubmission of Approved Planning Application P12/0666)

Decision: Approved, subject to conditions, numbered 1 to 48 (inclusive), as set out in the report submitted.

- (iv) Plan No P14/0374 – 1 Southwood Close, Kingswinford – Fell 1 Scots Pine Tree

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

- (v) Plan No P14/0462 – Fox and Goose Public House, Bromley Lane, Kingswinford – Erection of 3 No Dwellings

Decision: That subject to there being no material objections upon expiry of the site notice on 14 May, 2014 the Director of the Urban Environment be authorised to approve the application and to the following:-

- (1) That the applicant be invited to make an application to the Secretary of State, under Section 247 of the Town and Country Planning Act 1990 (as amended) to close, create and improve highways as shown on drawing 1051-06-01 Rev B to enable development authorised by planning permission to take place. The full costs and works to the Local Authority's satisfaction shall be met by the developer who will also be required to enter into a legal agreement with the Highway Authority in order to dedicate land as Highway.
- (2) Conditions, numbered 1 to 9 (inclusive), as set out in the report submitted.

- (vi) Plan No P14/0466 – 30 Worcester Lane, Stourbridge – Single Storey Front and Side/Rear Extensions and First Floor Side Extension

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

- (vii) Plan No P14/0560 – Land Between Dudley Black Country Living Museum and Dudley Zoological Gardens, Dudley – Revised Access and Landscaping Proposals Over a Wider Area Relative to Previous Approval P12/1598 to Link to Dudley Canal Trust

Decision: Approved, subject to conditions, numbered 1 to 12 (inclusive), as set out in the report submitted.

91 ENFORCEMENT ACTION

A joint report of the Director of Corporate Resources and the Director of the Urban Environment was submitted on whether enforcement action should be authorised in respect of 2 Fulwood Crescent, Dudley.

RESOLVED

That approval be given to enforcement action being taken in respect of the property at 2 Fulwood Crescent, Dudley to:-

- (i) Remove the unauthorised section of the front canopy and of the four brown plastic (PVCU) support along with the resulting replacement of the plastic pillars with brick pillars;
- (ii) Complete removal from the site of any resulting building materials, debris and other waste generated during the works.

92 THANKS TO COUNCILLOR WILSON

The Chair, on behalf of the Committee thanked Councillor Wilson for his contributions over the past year and wished him best wishes on his forthcoming retirement.

The meeting ended at 6.55 pm.

CHAIR

Minutes of the Development Control Committee

Monday 9th June, 2014 at 6.00 pm
In Committee Room 2, The Council House, Dudley

Present:-

Councillor Q Zada (Chair)
Councillor K Casey (Vice-Chair)
Councillors A Ahmed, N Barlow, D Caunt, N Gregory, J Martin, C Perks and H Turner.

Officers:-

Mrs G Breakwell (Senior Solicitor), Mr G Collings (Senior Development Control Officer), Mr J Dunn (Tree Protection Officer), Mr T Glews (Environmental Protection Manager), Mr I Hunt (Senior Project Engineer), Mrs M Johal (Democratic Services Officer), Mrs H Martin (Head of Planning), Mr P Reed (Principal Development Control Officer) and Mrs S Willetts (Planning Control Manager)

1 **Declarations of Interest**

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

Councillor Casey declared a non-pecuniary interest in Planning Application No P13/1264 (Oak Farm Quarry, Crooked House Lane, Himley) as he works for the Member of Parliament as referred to in the report.

Councillor Zada declared a pecuniary interest in Planning Application No P14/0444 (24/28 Brick Kiln Street, Brierley Hill), as he owns the property and the applicant is a family member.

2 **Minutes**

Resolved

That the minutes of the meeting of the Committee held on 12th May, 2014, be approved as a correct record and signed.

3 **Appointment of Development Control (Site Visits) Working Party**

The Committee considered the reappointment and membership of the Development Control (Site Visits) Working Party for the 2014/15 Municipal Year.

Resolved

That the Development Control (Site Visits) Working Party be appointed for the 2014/15 Municipal Year to undertake visits to sites where the Committee has resolved that there should be a site visit and that the Working Party comprise all Members of the Committee.

4 **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 had indicated that they wished to speak at the meeting and spoke on the planning applications indicated:-

<u>Application No</u>	<u>Objectors/supporters who wishes to speak</u>	<u>Agent/Applicant who wishes to speak</u>
P14/0414	Mr John Myers	Mrs Howes
P14/0421	Mrs Janet Armstrong (on behalf of Mrs Davies – mother)	Mr David McMullan of McMullan Associates
P14/0625	Mr David Pick	

<u>Application No</u>	<u>Location/Proposal</u>	<u>Decision</u>
P14/0414	Boundary Between 81 and 83 Hagley Road, Stourbridge – Fell 1 Sycamore Tree	Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

P14/0421	Site at Northfield Road, Netherton, Dudley – Erection of 2 No Industrial Units for B2/B8 use with Associated Car Parking	<p>Approved, subject to conditions, numbered 1 to 13 (inclusive), as set out in the report submitted, together with additional conditions, numbered 14 and 15, as follows:-</p> <p>14. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination until this condition has been complied. In the event that contamination is found at any time when carrying out the approved development it must be reported immediately to the Local Planning Authority and confirmed in writing. A risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, all of which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme such completion shall be certified and a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.</p> <p>15. All fire doors within the buildings hereby approved shall remain closed during the operating hours of the site.</p>
P14/0625	105 Cotwall End Road, Sedgley, Dudley – Outline Application for the Demolition of Existing Dwelling/Outbuildings and Erection of 4 No Dwellings (Access, Layout and Scale to be Considered) (Resubmission of Refused Application P12/1460)	Approved, subject to conditions, numbered 1 to 10, (inclusive) as set out in the report submitted.

P13/1264	Oak Farm Quarry, Crooked House Lane, Himley, Dudley – Erection of Site Offices, Weighbridge, Wheelwash, Concrete Area and Inert Recycling Facility Including Crushing and Screening on Concrete Area	Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted together with reworded condition, numbered 8, as follows. 8. Details of provision for the damping down of materials as and when required to minimise dust emissions shall be submitted to and approved in writing by the Local Planning Authority, with such measures to be implemented prior to the commencement of the development hereby approved and maintained for the life of the development. The storage of materials shall not exceed 4m in height and no processed materials smaller than 3mm shall be stored in the open.
P14/0198	12 Albert Road, Halesowen – Erection of Outbuilding in Rear Garden (Retrospective)	Approved.
P14/0199	Public Open Space Opposite Dudley Cemetery, Clee Road, Dudley – Change of use of Open Space to Create an Extension to Dudley Cemetery Burial Ground Including the Provision of a New Driveway, Vehicular Parking Areas and Associated Landscaping	Approved, subject to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted.
P14/0378	W L Duckworth & Co Ltd, Stallings Lane, Kingswinford – Demolition of Existing Units and Erection of New Retail Foodstore and Associated Car Parking	Approved, subject to conditions, numbered 1 to 28 (inclusive), as set out in the report submitted.

Having previously declared a pecuniary interest in the following item Councillor Zada vacated the Chair and withdrew from the meeting.

Councillor Casey in the Chair

P14/0444	24/28 Brick Kiln Street, Brierley Hill – Change of use from General Industrial and Metal Recycling Centre to End of Life Vehicle Dismantling, Car Salvage, Car Storage, Vehicle Repairs, and Sales of Parts (Sui-Generis)	Approved, subject to conditions, numbered 1 to 4 (inclusive), as set out in the report submitted.
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Councillor Zada in the Chair

P14/0481	Land Adjacent to St John's Road and Mill Race Lane, Stourbridge – Erection of 3 No Individual Class A3/A5 Units (Restaurants and Cafés/Hot Food Takeaways), 2 No with Drive-Through Facilities; Car Parking, Circulation and Service Areas and Associated Works (Resubmission of Withdrawn Planning Application P13/1714)	<p>Approved, subject to:-</p> <ul style="list-style-type: none">(a) The applicant entering into a Unilateral Undertaking for a contribution towards transport infrastructure improvements and a management and monitoring charge;(b) The completion of the Unilateral Undertaking by 21 June 2014 and, in the event of this not happening, the application being refused, if appropriate;(c) Conditions, numbered 1 to 8, 10 to 18 and 20 to 25 (inclusive), as set out in the report submitted, together with amended conditions, numbered 9 and 19, as follows:- <p>9. No development shall commence until details of secure cycle parking and shower facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first occupation of the development, shall be made available at all times and be maintained for the life of the development unless otherwise agreed in writing by the Local Authority.</p>
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19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) units 2 and 3 hereby approved shall be used for no other purpose other than A3 and/or A5 of the Town and Country Planning Use Classes Order 1987 (as amended) without the express grant of planning permission.

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

P14/0502	Woodland Area Rear of 12 Botany Drive, Upper Gornal – Fell 1 Beech Tree	Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.
P14/0547	6,16,18 and 20 Gibbons Hill Road, Sedgley – Crown Thin, Crown Lift and Prune Back 4 Lime Trees	Approved, subject to the condition, numbered 1, as set out in the report submitted.
P14/0562	Foxyards Primary School, Foxyards Road, Tipton – Fell 1 Robinia: Fell 1 Thorn Tree: Crown Lift 1 Ash Tree by 5 Metres, Crown Clean, Remove Crossing Branches and Prune Back from BT Lines: Crown Clean 3 Robinia Trees	Approved, subject to the condition, numbered 1, as set out in the report submitted.
P14/0570	79 Summer Lane, Lower Gornal, Dudley – Single Storey Rear Extension (Following Demolition of Existing Kitchen and WC	Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

P14/0619	16 Wren Street, Woodsetton, Dudley – Two Storey Side and Single Storey Side/Front Extension. New Front Porch	Approved, subject to conditions, numbered 1 to 3, (inclusive) as set out in the report submitted.
P14/0698	Dudley Market Place, High Street, Dudley – To Enable the Fountain to be Fully Functional, Creation of Underground Plant Room to House New Hydraulics and Electrics	Approved, subject to conditions, numbered 1 to 3, (inclusive) as set out in the report submitted.
P14/0747	Dudley Market Place and Castle Street, Dudley Town Centre, Dudley – Variation of Condition 3 of Planning Approval P13/1674 to be Revised to ‘No Closure or Demolition of the Toilet Block and Store Shall Take Place Until a Temporary Replacement Public Toilet Facility and Store Within Dudley Town Centre has been Provided and is Fully Operational’	Approved, subject to conditions set out within the original consent and an amendment to condition, numbered 5, as follows:- 5. The temporary public toilet facility and store required by Condition 3 shall be available during and after completion of the redevelopment works and shall not be removed until permanent replacement facilities are provided within Dudley Town Centre and are fully operational. The temporary facilities shall be removed from site when the permanent facilities are operational.

5 **Confirmation of Tree Preservation Orders**

A report of the Director of the Urban Environment was submitted requesting consideration as to whether Tree Preservation Orders TPO/0066/HAS (Dogkennel Lane, Halesowen), TPO/0067/HAS (Waxland Road/Romsley Close, Halesowen), TPO/0068/HAS (Overbury Close, Halesowen), TPO/0076/WST (South Road, Norton) should be confirmed with or without modification in light of the objections that had been received.

Resolved

- (a) That Tree Preservation Order TPO/0066/HAS, (Dogkennel Lane, Halesowen), be confirmed subject to the following modification:
- Tree 11 is deleted from the order

- (b) That the Tree Preservation Order TPO/0067/HAS, (Waxland Road/Romsley Close, Halesowen), be confirmed subject to the following modification:
- The plan and schedule to be corrected to reflect the accurate locations of the T15 and T16.
- (c) That the Tree Preservation Order TPO/0068/HAS, (Overbury Close, Halesowen), be confirmed without modification:
- (d) That the Tree Preservation Order TPO/0076/WST, (South Road, Norton), be confirmed without modification:

The meeting ended at 7.45 pm.

CHAIR

LICENSING AND SAFETY COMMITTEE

Thursday 12th June, 2014 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor D Russell (Chair)
Councillor K. Finch (Vice Chair)
Councillors D Blood, D Hemingsley, R James, C. Perks, M Roberts, A. Taylor, E. Taylor and H. Turner.

Officers:-

Mr. R. Clark (Principal Solicitor), Mrs L Rouse (Licensing Clerk) and Mrs K Taylor (Democratic Services) (All Directorate of Corporate Resources).

1. COMMENTS BY CHAIR

The Chair expressed thanks to the work undertaken on Sub-Committees throughout the previous municipal year, and requested that thanks be forwarded to the Members who were no longer a Member of the Committee.

2. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Cowell and S Etheridge.

3. DECLARATIONS OF INTEREST

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

4. MINUTES

That the minutes of the meeting of the Committee held on the 19th February, 2014 be approved as a correct record and signed.

5. APPOINTMENT OF SUB-COMMITTEES

A report of the Director of Corporate Resources was submitted on the appointment of four Licensing Sub-Committees for the municipal year 2014/15.

Details of the proposed membership of Licensing Sub-Committees for 2014/15 were circulated at the meeting.

RESOLVED

(1) That four Licensing Sub-Committees be established to deal with all licensing applications requiring member determination in accordance with the functions allocated to the Licensing and Safety Committee.

(2) That the membership of the Sub-Committees for 2014/15, as set out in the details circulated at the meeting, be as follows:-

Sub-Committee 1 –
Councillors Russell *, Blood and C. Perks

Sub-Committee 2 –
Councillors K. Finch*, S. Etheridge and James

Sub-Committee 3 –
Councillors Cowell*, A. Taylor and E. Taylor

Sub-Committee 4 –
Councillor Roberts*, Hemingsley and H. Turner

with those members whose name appears with an asterisk acting as the Chair of the respective Sub-Committee.

(3) That the substitution arrangements set out in the Council's procedure rules be noted and applied to the Licensing Sub-Committees subject to an eligibility requirement that any named substitute must be:-

- a) appointed to the Licensing and Safety Committee;
- b) otherwise eligible to serve on any given occasion; and
- c) notified to the Director of Corporate Resources prior to the commencement of the meeting in question.

6. REVIEW OF STREET TRADING CONSENT / PROHIBITED STREETS – MARKET STREET, STOURBRIDGE

A report of the Director of Corporate Resources was submitted on an application on behalf of Ms S Newell, Himley Manager, for the revision of the consent/prohibited streets in Dudley Borough to include Market Street, Stourbridge as a consent street in respect of Street Trading.

Ms Newell, Himley Manager, was in attendance at the meeting, together with a colleague and commented on the application, in particular, that the request made was to have the existing restriction removed for one day per year to allow stalls to be set up along the Market street highway as part of the Christmas Light Switch on Festival.

Following further discussion it was,
RESOLVED

That, in the light of information contained in the report submitted and as reported at the meeting, the application on behalf of Ms S Newell, for the revision of the consent/prohibited streets in Dudley Borough to include Market Street, Stourbridge as a consent street in respect of Street Trading, be approved.

7. REVIEW OF STREET TRADING CONSENT / PROHIBITED STREETS – DUDLEY TOWN CENTRE

A report of the Director of Corporate Resources was submitted on an application on behalf of Mr P Coyne, Assistant Director, Economic Regeneration, for the revision of the consent/prohibited streets in Dudley Borough to include Castle Street, New Street, Union Street and Junction of Stone Street/High Street, Dudley as consent streets in respect of Street Trading.

It was noted that Mr Coyne, Assistant Director, Economic Regeneration, had forwarded his apologies for his non-attendance at the meeting.

Reference was made to the possibility of transferring responsibility of street traders to the Directorate of Urban Environment, as some Members considered that street traders should pay similar rates paid by Market traders. Following further discussion, the Legal Advisor undertook to discuss further with the Assistant Director of Corporate Resources.

RESOLVED

- (1) That, in the light of information contained in the report submitted and as reported at the meeting, the application on behalf of Mr P Coyne, for the revision of the consent/prohibited streets in Dudley Borough to include Castle Street, New Street, Union Street and Junction of Stone Street/High Street, Dudley as consent streets in respect of Street Trading, be approved.
- (2) That the Legal Advisor be requested to discuss the possibility of transferring the responsibility for Street Traders from the Legal Department to the Directorate of Urban Environment with the Assistant Director, Corporate Resources.

The meeting ended at 6.35 p.m.

CHAIR
LSC/3

LICENSING SUB-COMMITTEE 1

Wednesday 28th May, 2014 at 10.00 am
in Committee Room 4, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillors Blood and Mrs Turner

Officers: -

Miss N Bangar (Legal Advisor), Mrs L Rouse (Licensing Clerk) and
Mrs K Taylor – All Directorate of Corporate Resources.

52 DECLARATIONS OF INTEREST

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

53 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 11th
March, 2014, be approved as a correct record and signed.

54 APPLICATION TO VARY A PREMISES LICENCE – MCDONALD'S
RESTURANT LIMITED, DUDLEY ROAD, KINGSWINFORD

A report of the Director of Corporate Resources was submitted on an
application for variation of the premises licence in respect of the
premises known as McDonald's Restaurant Limited, Dudley Road,
Kingswinford.

Ms N Gillchrist (Barrister); Mr Morris (Security Manager); Mrs Hoter
(Assistant Manager), and Mr Slakyvek (Area Manager), all
representatives for McDonald's Restaurant Limited, were in
attendance at the meeting.

Also in attendance and objecting to the application were Ms D
Nellany (Food and Occupational Safety Manager), and Mr T Glews
(Environmental Protection Manager), both from the Directorate of the
Urban Environment, together with three local residents and a
representative from the Express and Star.

Following introductions, and the agreement by all parties that Mr Rock, local resident would comment on behalf of the local residents present as he had submitted written representations, the Licensing Clerk presented the report on behalf of the Council.

Ms Nellany presented the representations of Environmental Health and in doing so indicated that the ground for review had been based on the undermining of the licensing objective for the prevention of public nuisance. She stated that should the application be granted it would allow the premises to trade twenty-four hours Monday to Sunday, inclusive.

It was noted that a similar application had been considered by a Sub-Committee in 2008, where it was resolved that the application be refused. The applicant's appealed the decision of the Sub-Committee, however the decision was upheld.

Ms Nellany indicated that a number of complaints had been received over a number of years, predominately relating to noise nuisance from vehicles and customers leaving the premises, in particular, complaints received from the Premier Inn hotel located next to the premises in relation to customers racing their vehicles on the car park. It was noted that following the concerns raised, McDonald's closed the rear car park after 9.30pm, which alleviated some of the issues.

It was noted that the premises was in close proximity to residential properties such as Ketley Road and the residents had raised similar concerns.

Ms Nellany stated that should the application be granted to allow the premises to trade for twenty-four hours, she anticipated that the problems would increase, as she could not identify any additional steps included in the operating schedule that would address the concerns raised.

Ms Nellany raised concerns in respect of customers who would consume their food and park their vehicles on the front car park late at night, and that there were no security or litter patrols, as staff members were unable to leave the premises after 11pm.

She further stated that the drive-thru facility would encourage more customers to attend at night, and there was a twenty-four hour McDonald's restaurant available within a reasonable distance.

In concluding, Ms Nellany stated that although she appreciated the applicant's wish to expand their business, she had to balance that with the views of the residents.

Mr Rock then presented his representations, on behalf of local residents, and in doing so stated that his house was the nearest to McDonald's, and that customers would park outside his home, damage and leave litter on his property, and when he or his wife attempted to complain to the customers, they would receive verbal abuse. He further stated that he had witnessed staff from McDonald's cleaning around the premises on one or two occasions only.

Mr Rock further stated that since he had purchased his property, the public nuisance had increased and could be witnessed by his children. It was noted that a number of residents had complained to West Midlands Police, however no action had been taken.

In responding to a question by Ms Gillchrist as to how many complaints had been received since the premises extended their opening hours to 1.00 am; Ms Nellany responded that there had been no complaints received since September, 2012.

Following comments made in relation to the issues raised previously by the Premier Inn hotel, Ms Gillchrist confirmed that the two businesses worked closely together, and that there had been no official complaints raised by residents.

In responding to a question by Ms Gillchrist, Mr Rock confirmed that he had lived at his property for nine months and addressed the nuisance himself, as he understood the consequences of complaining. Ms Gillchrist suggested that it would benefit Mr Rock, and other residents, if they liaised with McDonald's to address the concerns raised and attempt to alleviate the problems.

Ms Gillchrist then presented the case, on behalf of McDonald's Restaurant Limited, and in doing so informed the Sub-Committee that the purpose of the application was to extend the trading hours until 5.00 am, and the objections received had been based on noise and litter nuisance. She stated that the applicant would work together with local residents, and although the written and verbal representations had been heard, there had been no complaints since September, 2012.

She further stated that it had become apparent that more people were working outside the core hours, in particular staff working at Russells Hall Hospital who worked during the night.

It was noted that should the Sub-Committee be minded to grant the application, an additional ten to fifteen jobs could be created with three existing members of staff being promoted. Ms Gillchrist stated that she expected the premises to improve as the restaurant would be open throughout trading hours, and the managers would patrol inside and outside the premises.

At this juncture, Ms Gillchrist outlined the measures that had and would be implemented at the premises, and that there were currently four litter patrols, and suggested that staff members could collect any litter on resident's property that was accessible.

In concluding, Ms Gillchrist stated that McDonald's was happy to act on any reasonable request from Environmental Health, and they were committed to help and encourage communication with local residents.

In responding to a question by the Chair, Mr Morris stated that staff would not have been aware of the issues in the neighbouring streets, as they had not been informed, however customers had the option of staying in the restaurant.

It was noted that there would be a minimum of three members of staff employed at the premises during the extended hours, and that an additional ten to fifteen jobs would be created.

In responding to a question by a member in relation to a full trading methodology assessment (including risk assessment) being undertaken by the applicants; Ms Gillchrist confirmed that the local residents would be considered during the process. Mr Morris stated however, that there could be problems in patrolling the neighbouring streets, as staff members had no jurisdiction.

Reference was made to the car park located to the rear of the premises, and Mrs Hoter confirmed that although the car park was closed to members of the public after 9.30 pm, it was still available to staff members who had parked their vehicle prior to 9.30 pm.

In responding to a question by Ms Nellany in relation to addressing disturbances by members of the public in the car park, Mr Morris confirmed that a manager would go to the car park and talk to the individuals. He further stated that staff members were trained and although some were comfortable than others in confronting individuals, they were all aware of their duty.

Further to comments made by Mr Rock in regard to the potential increase of customers parking in the neighbouring streets; Ms Gillchrist stated that the application should not be refused based on potential problems, and that previous applications for McDonalds's in other authorities had been approved for a period of twelve months, followed by a review at the end of that period.

In summing up, Ms Nellany, on behalf of Environmental Health, reiterated her comments made previously, and stated that the history of the premises highlighted that nuisance could arise, and that the premises was not suitable to be open for twenty-four hours, as it was in close proximity to residential properties.

In summing up, Mr Rock, on behalf of local residents, stated that the nuisance had increased over the last twelve months, and that he could not identify any possibility of the nuisance decreasing.

In summing up, Ms Gillchrist, on behalf of the Applicant, reiterated her comments made previously, and stated that the lack of complaints demonstrated that there were no evidence of nuisance, as the objections raised by Mr Rock had not been discussed with McDonalds. She further stated that it was important to increase trade and employment, and that the Sub-Committee should refuse the application only if they considered that the Licensing Objectives would be undermined.

Ms Gillchrist further stated that McDonalds were prepared to take any necessary steps, including adding conditions to the premises licence, and requested that McDonalds be given an opportunity to trade.

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.

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, the application for the variation of the premises licence in respect of McDonald's Restaurant Limited, Dudley Road, Kingswinford, be approved for a period of six months, and for the licence to be reviewed at the end of that period:-

Conditions

- (1) That CCTV to be operational at all times the premises are open and trading, and the recording to be kept at least 31 days.
- (2) All shift managers be safety and security trained.

- (3) That the premises operate a 'Staff Safe' system which links to an external integrated system.
- (4) The Premises will operate a no music, no running engines and no alcohol consumption policy in the car park, and signs to be posted to that effect.
- (5) The rear car park be closed to members of the public from 9.30 pm Monday to Sunday inclusive.
- (6) Self closing doors to be in operation.
- (7) 'Bin it logos' to be on packaging.
- (8) Litter patrols to be undertaken four times per day.
- (9) That the Manager carries out internal and external 'travel path' patrols within the Premises, to ensure compliance with car park and other policies
- (10) The Premises will carry out a full trading methodology assessment (including risk assessment) and mitigation process and implement the necessary mitigating procedures in respect of identified risks.

REASONS FOR DECISION

The Sub-Committee is satisfied that the ten conditions address the concerns raised by the objectors, in line with the licensing objectives, and that the six month period will enable McDonalds to consider these further.

55

APPLICATION FOR A PREMISES LICENCE – WAGGON AND HORSES – 31 WORCESTER STREET, STOURBRIDGE

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of Waggon and Horses, 31 Worcester Street, Stourbridge.

Mr J Hedges and Mr O Lawson (Applicants) were in attendance at the meeting.

It was noted that the objector, who had submitted representations prior to the meeting, was not in attendance.

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

Mr Hedges, Applicant, then presented his case, and in doing so stated that he had written to the objector inviting him to discuss his concerns, as it was evident that their objection had been based on the previous management of the premises, however no response had been received.

Mr Hedges confirmed that the premises would be a real ale pub with light refreshments, and that he had spoken to local residents who had no objections.

Following a brief discussion it was

RESOLVED

That the application for the grant of a premises licence in respect of Waggon and Horses, 31 Worcester Street, Stourbridge, be approved.

56

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – LSD PROMOTIONS LTD – FOOD/CRAFT MARKET

A report of the Director of the Corporate Resources was submitted on an application made on behalf of Mr D McGillicuddy of LSD Promotions, for the grant of consent to engage in street trading for a Food/Craft Market, on the 1st and 3rd Saturday of each month from 9.00 am until 4.00pm at a site in Ryemarket, (High Street to a point 30 metres from High Street), Stourbridge.

Mr D McGillicuddy, Applicant, was in attendance at the meeting.

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

Mr McGillicuddy then presented his case, and in doing so stated that prior to leaving Stourbridge, the market had previously been sited in Ryemarket, Stourbridge, and the Ryemarket Manager had requested that Mr McGillicuddy re-apply for consent.

In responding to questions raised, Mr McGillicuddy confirmed that the market was for food and craft items only, and that stock was unloaded from vehicles in front of the bollards positioned in the Ryemarket.

Following a brief discussion, it was

RESOLVED

That the application made on behalf of Mr D McGillicuddy of LSD Promotions for the grant of consent to engage in street trading for a Food/Craft market on the 1st and 3rd Saturday of each month from 9 am to 4 pm at a site in Ryemarket, Stourbridge, be approved.

The meeting ended at 12.40 pm

CHAIR

LICENSING SUB-COMMITTEE 2

Tuesday 29th April, 2014 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Russell (Chair)
Councillors Cowell and Taylor

Officers:-

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

22 DECLARATIONS OF INTEREST

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

23 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 25th March, 2014, be approved as a correct record and signed.

24 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.

Mr G Wintrip, Age Restricted Products Enforcement Officer, Directorate of the Urban Environment, Ms D McNulty, Office of Public Health and Ms K Turley, Planning and Licensing Officer, West Midlands Police were in attendance at the meeting.

Following introductions, it was noted that representatives from Supersave were not in attendance at the meeting.

The Licensing Clerk reminded the Sub-Committee that the application had been adjourned at a previous meeting held on 25th March, 2014 due to the non-attendance of Mr Khan, the Designated Premises Supervisor at the time of the incident.

The Licensing Clerk confirmed that all relevant paperwork, in relation to the hearing today, had been hand delivered to the premises and that the onus was on the Premises Licence Holder to ensure the Designated Premises Supervisor was present at the meeting.

The Sub-Committee was satisfied that appropriate notice had been given and determined that the meeting proceed in the absence of representatives of Supersave.

The Licensing Clerk presented the report on behalf of the Council and in doing so informed the Sub-Committee that as from 24th April, 2014, the Designated Premises Supervisor had been transferred to Mr Nameed Khan.

Mr Wintrip 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 Wintrip informed the Sub-Committee that on 10th January, 2014, a sixteen year old female child test purchaser was sold alcohol, namely a 700ml bottle of WKD Original with 4% alcohol, from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention of the licensing objectives.

It was reported that the current premises licence was granted to Mr Kamran Khan on 10th October, 2013 after the previous Designated Premises Supervisor was removed following two seizures of illicit alcohol from the premises. It was also reported that Mr Khan was the Designated Premises Supervisor and held a personal licence issued by Sandwell Metropolitan Borough Council.

It was noted that on 11th October 2006, a sale of alcohol was made to an underage test purchase volunteer. The Designated Premises Supervisor at that time was a Mrs Safina Akhtar, however, following the incident, Ms Akhtar was removed and replaced by Mr Kamran Khan. It was reported that the seller, which had been confirmed not to be Ms Akhtar, had been prosecuted, however, no review of the premises licence was undertaken.

It was also noted that on 20th January, 2012, intelligence had been received from West Midlands Police that underage sales of alcohol had been taking place at the premises.

It was further noted that on 17th February, 2012, a test purchase for alcohol was conducted at the premises with no sale being made.

Mr Wintrip stated that on 24th July 2012, an advisory visit was conducted at the premises. It was reported that the purpose of the visit had been to provide advice to help prevent the underage sale of restricted products. Mr Kamran Khan, who had been present at the time, was given detailed advice, including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Khan was also provided with an advice pack relating to the sale of restricted products, an advice booklet, a challenge 25 poster, a refusals register, a poster regarding proof of age and a sample Proof of Age Standards Scheme card and was asked to ensure that it was brought to the attention of all staff to ensure that they were aware of their obligations under the Licensing Act 2003. During the course of the visit, Mr Khan signed a form to acknowledge receipt of the information pack.

On 26th September, 2012 during an inspection, an officer had found 6 x 1 litre and 11 x 70cl bottles of High Commissioner whisky together with 1 x 1 litre and 5 x 70cl bottles of Glens Vodka offered for sale at the premises. The bottles were seized as it was suspected they were counterfeit. It was reported that Mr Khan, the Premises Licence Holder at the time, had been present during the inspection and was issued with Trader's Notice 0372 as a receipt for the seized alcohol.

It was noted that a further inspection of the premises had taken place on 4th July, 2013, together with officers from West Midlands Police. During the inspection, officers had found 3 x 1 litre and 5 x 70cl bottles of High Commissioner whisky together with 2 x 1 litre and 2 x 70cl bottles of Glens Vodka offered for sale at the premises. The bottles were seized as it was suspected they were counterfeit. It was reported that Mr Hammed Khan, a relative of Mr Kamran Khan, had been present at the premises at the time and was issued with Trader's Notice 0435 as receipt for the seized alcohol. Mr Hammed was also given advice to help prevent the sale of age restricted products and signed a form to acknowledge receipt of the information.

It was reported that the manufacturer of the spirits, Glen Catrine stated "I can confirm from our records that all of the bottles are genuine but were produced with export back labels attached, i.e. the labels did not incorporate a UK Duty Stamp, as per our customer's instruction". It was further reported that the bottles had been despatched "under bond", i.e. without payment of excise duty and with the required HMRC removal warrants to their customer's bonded warehouse. The export labels had therefore been removed at some point by the counterfeiters and counterfeit UK Duty Stamp back labels applied to avoid payment of excise duty. It was noted that the cases and bottles would not have been available through the normal secure supply chain and reputable Cash and Carry outlets and indicated that such products would only have been obtained on the black market.

Mr Wintrip further informed the Sub-Committee that on 10th January, 2014, Trading Standards officers, together with the local Police Team, carried out a test purchase at the premises to determine compliance with the law on the sale of alcohol to persons under the age of eighteen. It was reported that a sixteen year old female child test purchase volunteer had purchased a 700ml bottle of WKD Blue with a 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer and did not request any identification.

On returning to the premises, the individual who had sold the alcohol to the test purchase volunteer was identified as Mr Razak Khan who had stated that he was a relative of the Licensee, Mr Khan. It was believed that Mr Razak Khan was the proprietor of the business at that time.

It was reported that various age restricted posters had been seen on display, however, Mr Khan had been unable to produce a Refusals Register when asked to do so. Prior to the officer leaving the premises, a fixed Penalty Notice 00207217 was issued to Mr Khan by PC 5246 Browne.

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

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

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

Ms Turley then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had made enquiries on relevant police systems and had also liaised with the local neighbourhood team. She reported that youths regularly congregated outside the premises and had received intelligence regarding underage sales of alcohol. She stated that, although there had been no direct evidence of anti-social behaviour linked to the location, she suspected, however, that local youths were aware that they may be able to purchase alcohol underage at the premises. She indicated that the West Midlands Police also fully supported the recommendations made by Trading Standards.

General concerns were made by the Sub-Committee regarding the current management, Mr Naseer Hussain's and Mr Nameed Khan's relationship to the previous management (if any) and their involvement in the business in the past.

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 Supersave, 79 Russells Hall Road, Dudley:-

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 adhered to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age Standard 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 of 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 underage, shall be refused service.

REASONS FOR DECISION

This is an application for review of the premises licence in respect of Supersave, 79 Russells Hall Road Dudley. The application was brought by Trading Standards after a test purchase was conducted on 10th January, 2014, when a 16 year old female test purchaser was sold a bottle of WKD Blue.

The member of staff who sold the alcohol was a Mr Razak Khan and he had made no attempt to ask the age of the purchaser and he was unable to produce a refusals register when asked to do so. He was issued with a Fixed Penalty Notice.

Mr Razak Khan informed officers that he was a relative of the Premises Licence Holder, Mr Kamran Khan. He was also believed to be the owner of the business. Mr Kamran Khan has only had the premises since 19th September, 2013, when it was transferred to him after a Licensing Sub-Committee removed the Designated Premises Supervisor and suspended the licence for four weeks on 10th September, 2013. This action was taken as a result of the seizure of counterfeit alcohol on 26th September, 2012.

The Premises Licence was subsequently transferred to Mr Naseer Hussain on 14th February, 2014. The current Designated Premises Supervisor is Mr Nameed Khan and he has been the Designated Premises Supervisor since 24th April, 2014.

The Premises Licence Holder, Mr Naseer Hussain and the Designated Premises Supervisor, Mr Nameed Khan did not attend the Licensing Sub-Committee today. The Sub-Committee has good reason to have concerns about the management of these premises since 2006. Today, it has not been possible to ask the Premises Licence Holder or the Designated Premises Supervisor about their relationship to previous management (if any), their involvement in the business in the past (if any) and the current ownership of the business. The Premises Licence Holder attended the hearing on 27th March, 2014 and is aware of the adjourned hearing today. Formal notice of this Sub-Committee was also hand delivered to the Premises Licence Holder. The Sub-Committee is extremely disappointed that the Designated Premises Supervisor and the Premises Licence Holder have not attended today to explain how they intend to manage the premises and remedy the failures of the past-management. In order to ensure that the licensing objectives are met, the Sub-Committee attaches the conditions recommended by Trading Standards, as set out above, to the premises licence.

The meeting ended at 11.00 am.

CHAIR

Minutes of Licensing Sub-Committee 2

Tuesday 3rd June, 2014 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor D Russell (Chair)
Councillors J Cowell and A Taylor

Officers:-

R Clark (Legal Advisor), L Rouse (Licensing Clerk), and K Griffiths (Democratic Services Officer) – All Directorate of Corporate Resources.

25 **Declarations of Interest**

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

26 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 29th April, 2014, be approved as a correct record and signed.

27 **Application for Review of Premises Licence – Booze Corner, 10 Howley Grange Road, Halesowen**

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Booze Corner, 10 Howley Grange Road, Halesowen.

Mr A Singh, Premises Licence Holder, Mrs K Kaur, Designated Premises Supervisor and Mr M Banahan of The Banahan Tennant Partnership Limited, were in attendance at the meeting.

Also in attendance were Mr C King, Principal Trading Standards Officer, Directorate of the Urban Environment, Ms D McNulty, Office of Public Health and Ms K Turley, Planning and Licensing Officer, West Midlands Police.

Following introductions by the Chair, the Licensing Officer 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 29th November, 2013, a fifteen year old male child test purchaser was sold alcohol, namely a 1 litre bottle of Magners Cider with 4.5% alcohol, from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention of the licensing objectives.

It was reported that the current premises licence was granted to Mr Singh on 9th October, 2012. It was also reported that Mrs Kalvinder Kaur was the Designated Premises Supervisor and held a personal licence issued by Walsall Metropolitan Borough Council.

It was noted that on 17th October 2012, an advisory visit was conducted at the premises. It was reported that the purpose of the visit had been to provide advice to help prevent the underage sale of restricted products. Mr Singh, who had been present at the time, was given detailed advice, including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Singh was also provided with an advice pack relating to the sale of restricted products, an advice booklet, a challenge 25 poster, a refusals register, a poster regarding proof of age and a sample Proof of Age Standards Scheme card and was asked to ensure that it was brought to the attention of all staff to ensure that they were aware of their obligations under the Licensing Act 2003. During the course of the visit, Mr Singh signed a form to acknowledge receipt of the information pack.

It was reported that on 5th November, 2012, a test purchase for alcohol was conducted at the premises with no sale being made.

On 27th February, 2013, a test purchase for tobacco was conducted at the premises with no sale being made.

On 3rd October, 2013, an officer from Dudley Trading Standards had conducted a yearly advisory visit to the premises. It was reported that the officer had spoken to Mr Raj Kumar, who had stated he was an employee at the business. The purpose of the visit was to ensure that the business was complying with the law relating to the sale of age restricted products, and to provide advice and support to help prevent underage sales. Mr Kumar signed a form acknowledging that a visit had taken place and was asked to inform the proprietor of the visit.

Mr King then reported that on 29th November, 2013, officers from Trading Standards, together with officers from West Midlands Police carried out a test purchase at the premises to determine compliance with the law on the sale of alcohol to persons under the age of eighteen. It was reported that a fifteen year old male child test purchase volunteer had purchased a 1 litre bottle of Magners cider with 4.5% alcohol by volume. The seller made no attempt to ask the age of the volunteer and did not request any identification.

On returning to the premises, the individual who had sold alcohol to the test purchase volunteer was identified as Mr Jatinder Kumar. Mr Kumar was cautioned and informed that he had sold alcohol to a fifteen year old child. It was reported that Mr Kumar had made no reply.

On inspection of the premises, it was reported that, various age-restricted posters had been seen on display and that a "Challenge 25" policy was in place.

It was reported that, following a police check, Mr Kumar had been identified as being an illegal immigrant and was subsequently arrested and taken away.

Mr King stated that on viewing the CCTV at the premises following the sale, officers had witnessed a number of youths, who appeared to be under eighteen, apparently being served alcohol. It was reported that two young girls, who had looked under the age of eighteen, entered the premises and bought cigarettes without being asked their age or for identification. When challenged, the seller, Mr Sandeep Singh Bhopal, who had stated that he was the son of the owner, indicated that he had known the girls and had served them in the past as he knew that they had been over eighteen.

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

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

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

Ms Turley then presented the representations of West Midlands Police and in doing so informed the Sub-Committee that the Police had made enquiries on relevant police systems and had also liaised with the local neighbourhood team. She reported that there was no current intelligence in relation to counterfeit goods at the premises, no recent reports of crime and disorder, no anti-social behaviour attributed to the premises and that local officers patrolled the area and had been no other issues in relation to the premises. However, she stated that the sale of alcohol to a minor was a serious matter and indicated that the West Midlands Police also fully supported the recommendations made by Trading Standards.

In responding to questions from a Member, Mr Singh confirmed that there were currently five members of staff working at the premises, which consisted of himself, his wife, his son and two further employees. He stated that since the incident, he had ensured adequate training had been provided to all staff in relation to the sale of age restricted products.

Concerns were raised in relation to the employee whom, following enquiries had turned out to be an illegal immigrant. Mr Singh confirmed that all necessary checks to the employee's documents had been carried out and that the Home Office had accepted that the investigation had been adequate. A copy of all documentation was circulated to the Sub-Committee.

Mr Banahan then stated the case on behalf of Booze Corner. He stated that since the incident had occurred, Mr Singh had employed two experienced staff and confirmed that three members of staff held personal licences. He reported that Mr Singh did not currently hold a personal licence, however, he would undertake the necessary training should the Sub-Committee wish him to do so. Mr Singh confirmed the hours currently worked by all staff at the premises and reported that an experienced personal licence holder was always present at the premises when open for business.

Mr Banahan reported that since the incident had occurred, Mr Singh had received advice from a Solicitor at the Home Office in relation to guaranteed systems available to check the authenticity of documents. He stated that Mr Singh had twenty-five years experience of working in the trade and had extensive knowledge of the operation and management of the business.

In continuing, Mr Singh confirmed that the Challenge 25 policy was currently in operation at the premises and that the Refusals Register was checked and reviewed regularly. CCTV was also in operation at the premises with a twenty-eight day recording facility, which had been in place since Mr Singh had opened the premises and the content was reviewed, when required. He further stated that up-to-date copies of all employee training records were kept.

In concluding, Mr Singh indicated that the business was his livelihood and that he had dedicated a vast amount of financial investment and effort into making the premises a success.

Concerns were raised that on inspection of the Refusals Register, no entries had been entered between 16th February 2013 and 9th December 2013. In responding, Mr Singh indicated that prior to the incident, he had not considered the maintenance of the Refusals Register to be a priority, however, since the incident had occurred, he ensured the Sub-Committee that all refusals were recorded.

In responding to a question from a Member, Mr Singh confirmed that he would carry out weekly checks of the Refusals Register and CCTV and assured the Sub-Committee that he would adhere to all conditions imposed on his Premises Licence. He also confirmed that all staff would be trained on the operation of the CCTV system.

At the request of the Sub-Committee, Mr Singh read through some proposed conditions. Following perusal, he confirmed that should the Sub-Committee be minded to include additional conditions to his premises licence, he would have no objection.

In summing up, Mr Banahan emphasised that both Mr A Singh and Mrs K Kaur were very experienced in the trade and had never had any problems of this nature in the past. He re-iterated that the business was his clients' livelihood and assured the Sub-Committee that the underage sale alcohol was an isolated incident and would not occur again.

In summing up, Mr King indicated that at the time of the incident, there had been evidence that the business had been poorly managed and asked the Sub-Committee to consider attaching additional proposed conditions to the current 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 Booze Corner, 10 Howley Grange Road, Halesowen:-

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 adhered to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age Standard 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 of 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 underage, shall be refused service.

Reasons for Decision

This is a review of the premises licence of Booze Corner, Halesowen. Trading Standards brought the review as a result of a failed test purchase on 29th November 2013, when a Mr Jatinder Kumar sold a fifteen year old male test purchaser a one litre bottle of cider. The store has a history of passing test purchase exercises in 2012 and 2013, but this employee was an illegal immigrant who did not ask for proof of age before making the sale.

Mr A Singh, Premises Licence Holder, and Mrs K Kaur, Designated Premises Supervisor, attended the review. They presented a letter from the Home Office dated 4th March 2014, which effectively confirmed that Mr Singh had shown due diligence in checking the employment eligibility of Mr Jatinder Kumar.

Mr Singh also presented the refusals register to the Sub-Committee, confirmed that since the incident, all staff had been given new training on checking the age of the purchasers of age restricted products and that the store already complied with the proposed conditions put forward by Trading Standards, specifically with regard to the installation of CCTV, footage being available for twenty eight days and the maintenance of a training file. However, Mr Singh did accept that the refusals register had no entries between February and December 2013 but that the under age sale had “been a wake up call”.

The Sub-Committee finds no evidence to require the revocation or suspension of the premises licence but it does find that the management of the premises had not been as it should have been. Mr Kumar’s training on the sale of age restricted products was not adequate and the refusals register was not used for ten months. This was not an isolated failure to use the register.

Mr Singh accepts that he can comply with the proposed conditions, if the Sub-Committee attaches them to the premises licence and in these circumstances, it does do so.

28

Application for a Premises Licence – SSK Convenience Store, 35 Church Street, Pensnett, Brierley Hill

A report of the Director of Corporate Resources was submitted on an application for a premises licence in respect of SSK Convenience Store, 35 Church Street, Pensnett, Brierley Hill.

Mr D Hardy, Licence Trade Legal Services, Mr T Packiyathan, applicant, Mr Thongarasa, proposed Designated Premises Supervisor and Mr Kanesatan, a family member, were in attendance at the meeting.

Also in attendance was Mr C King, Principal Trading Standards Officer, Directorate of the Urban Environment.

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

Mr King then presented the representations of Trading Standards and in doing so highlighted that Trading Standards had concerns that the licensing objectives relating to the prevention of crime and disorder and the protection of children from harm would not be met if the licence was granted. He indicated that the premises had, for the last two years, been of concern to the local police and Trading Standards due to the sale of alcohol to children on at least three separate occasions, two of which had been test purchase volunteers. He stated that there had also been intelligence to suggest that the sale of alcohol to children took place on a regular basis. He further stated that, in addition to the above, warrants had been executed at the premises on two occasions which led to the seizure of a large quantity of Class B drugs and a quantity of counterfeit tobacco. Mr King reported that as a result of the sale of alcohol to children the premises licence was revoked by the Licensing Sub-Committee and the premises licensee was prosecuted for offences under the Licensing Act 2003. He stated that despite the revocation of the licence, alcohol continued to be sold from the premises by the previous management, however, the matter was successfully prosecuted.

Mr King continued indicating that the locality of the premises and the clientele it served required that the business should be run by a strong character that had no connection to the previous regime and who could ensure that the licensing objectives would be strictly adhered to. He expressed concern that the proposed Designated Premises Supervisor, Mr Pirashanthakumar Thangarasa would only be nineteen years of age if the licence was granted. Although, Mr King understood that age should not be used as a measure of an applicant's ability to successfully run a licensed premises, due to the previous problems associated with the premises and the anti-social behaviour in the locality, which was previously attributed to the premises, he had serious reservations concerning Mr Thangarasa's ability to manage the new business to ensure that the licensing objectives were fully upheld.

In concluding, Mr King indicated that Mr Packiyathan's application failed to convince Trading Standards that the previous issues associated with the premises would not repeat themselves and in view of the above, he stated that Trading Standards objected to the granting of the premises licence.

In stating his case, Mr Hardy acknowledged and accepted the concerns raised by Trading Standards, however, emphasised that the applicant had no connection with the previous management of the premises. He indicated that the applicant and his family were very experienced retailers and multiple operators mainly in the Birmingham area and the purpose of the application was to expand the family business.

Mr Hardy indicated that extensive expenditure would be invested in the premises to provide facilities such as a panic button, CCTV and any other facility the applicant deemed appropriate to prevent historic problems occurring. He stated that the proposed Designated Premises Supervisor would ensure that any staff involved in the sale of alcohol and the operation of CCTV would have fully recorded and documented training, including six monthly refresher courses in respect of their responsibilities under the Licensing Act 2003.

In relation to the concerns by Trading Standards in respect of the age of the proposed Designated Premises Supervisor, Mr Hardy emphasised that there would be at least two members of staff present at the premises at all times. He outlined the proposed licensing hours of the premises and stated that there had been no police representations and only two written objections, despite the locality of the premises being in a very populated area.

In response to questions by Trading Standards, Mr Hardy confirmed that the applicant had no connection with either the previous management of the premises or the applicant prior to his application. He stated that the premises was being leased subject to them receiving a premises licence.

Concern was raised by Trading Standards in relation to who the leaseholder of the premises was, which was not made clear at the meeting. Mr King suggested that the applicant consider operating the premises without the option to sell alcohol initially, in order that the establishment could be monitoring to access the management and operation of the store. Mr King continued stating that the applicant was unknown in the area and asked if information could be provided in relation to the family businesses in order that adequate checks could take place to access the management and operation of those establishments. In responding, Mr Hardy confirmed the names and addresses of the two other premises currently trading.

Mr Hardy indicated that the applicant would not trade until all conditions of the licence were implemented. He stated that it would be pointless to spend capital on the installation of a CCTV, panic button and any other facility necessary if the application was unsuccessful.

In response to questions from Members, Mr Hardy indicated that the proposed Designated Premises Supervisor and staff that would be operating the premises were currently all retailers working for the family business and the successful operation of a third establishment would be an extension to the family business. He re-iterated that the applicant had no connection with either the previous management of the premises or the applicant prior to his application.

Mr King continued to express concerns due to the history of the premises, however, he stated that should the Sub-Committee be minded to grant the premises licence, they consider apply additional conditions to the licence.

As a point of clarification, the Legal Advisor asked Mr King whether he recommended the Sub-Committee to defer consideration of the application subject to appropriate background checks being carried out on existing establishments. In responding, Mr King confirmed that he suggested deferring the application until appropriate checks were conducted, however, stated that if the Sub-Committee was minded to approve the application, consideration be given to attach additional conditions to the premises licence.

The Legal Advisor offered Mr Hardy and the applicant the opportunity to read through a list of proposed additional conditions with a view to considering attaching them to the premises licence. Following perusal of the proposed conditions, Mr Hardy confirmed that the applicant would have no objection to any of the proposed conditions being applied to the premises licence.

In concluding, Mr Hardy re-iterated that there had been no police representations and only two written objections, despite the locality of the premises being in a very populated area.

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, the application for the grant of a premises licence in respect of SSK Convenience Store, 35 Church Street, Pensnett, Brierley Hill, be approved.

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 adhered to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age Standard 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 of 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 underage, shall be refused service.

Reasons for Decision

This is an application by Mr Thanikan Packiyathan for a new premises licence for the sale of alcohol between the hours of 8.00am and 10.00pm, seven days a week. The premises has a significant history in the last two years of not meeting the licensing objectives; specifically there have been two test purchases where alcohol has been sold to children. The Licensing Sub-Committee revoked the alcohol licence, but sales continued and the premises licence holder was prosecuted. Class B drugs and counterfeit tobacco was seized from the store.

The applicant and proposed Designated Premises Supervisor attended today and confirmed that they had no family or friendship ties to the previous premises licence holder, or indeed a subsequent applicant for the premises. The applicant managed other stores in Chelmsley Wood and Willenhall and had no history of licensing concerns. The applicant and proposed Designated Premises Supervisor are not known to the Police. They gave evidence to satisfy the Sub-Committee that they understand the previous issues in the store and locality and had a business plan to ensure that the licensing objectives were upheld. They accepted standard conditions put forward by Trading Standards in order to meet the previous concerns of the locality and uphold the licensing objectives.

The Sub-Committee therefore, grants the application for the premises licence and takes the step of imposing the proposed conditions to the premises licence.

Application for Consent to Engage in Street Trading – Forget Me Nots – Gornal Crematorium, Chase Road, Gornal Wood, Dudley

A report of the Director of Corporate Resources was submitted on an application for Consent to Engage in Street Trading – Forget Me Nots – Gornal Crematorium, Chase Road, Gornal Wood, Dudley.

Mrs Julie Watton was in attendance at the meeting.

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

Mrs Watton then presented her case, and in doing so stated that she had been a florist for ten years and it had been her ambition to set up a stall to sell flowers outside Gornal Crematorium. She stated that she was a local person, who resided in Gornal and had a good relationship with her customers. She further stated that she only sold good quality flowers and considered that her business would do particularly well in that locality.

In response to a question from a Member, Mrs Watton confirmed that she would be using her van to transport the flowers, photos of which had been circulated to the Sub-Committee prior to the hearing, together with a circle of buckets to display the flowers in and a small table to place poses on.

In response to a question from a Member in relation to trading on Bank holidays, Mrs Watton confirmed that she only intended to trade on Saturdays and Sundays.

Following consideration, it was

Resolved

That the application made by Mrs J Watton of Forget Me Nots, for Consent to Engage in Street Trading at Gornal Crematorium, Chase Road, Gornal Wood, Dudley, on Saturdays and Sundays each week, be granted.

The meeting ended at 12.20pm.

CHAIR

LSBC2/55

LICENSING SUB-COMMITTEE 3

Tuesday 6th May, 2014 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor K Finch (Chair)
Councillors Bills and Mrs H Turner

Officers:-

Mr T Holder (Legal Advisor), Mr B Hughes (Licensing Clerk) and
Mrs K Griffiths (Democratic Services Officer) – All Directorate of
Corporate Resources.

38 APOLOGY FOR ABSENCE

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

39 APPOINTMENT OF SUBSTITUTE MEMBER

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

40 DECLARATIONS OF INTEREST

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

41 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held
on 21st January, 2014, be approved as a correct record and
signed.

42 APPLICATION FOR REVIEW OF PREMISES LICENCE – BOOZE CORNER, 10 HOWLEY GRANGE ROAD, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Booze Corner, 10 Howley Grange Road, Halesowen.

Prior to the meeting, the Sub-Committee were informed that there were no representatives from Booze Corner present, despite being requested to attend at the adjourned meeting held on 11th March, 2014. Following investigation, it was reported that the Solicitor, on behalf of Booze Corner, had incorrectly recorded the re-convened date in his diary.

In view of the above, it was

RESOLVED

That consideration of the application made for the review of the premises licence in respect of Booze Corner, 10 Howley Grange Road, Halesowen be adjourned to a reconvened meeting to be held at a later date.

The Sub-Committee requested that both Mr A Singh, Premises Licence Holder and Mrs K Kaur, Designated Premises Supervisor, attend the re-convened meeting.

The meeting ended at 10.30 am.

CHAIR

Minutes of the Licensing Sub-Committee 3

Tuesday 17th June, 2014 at 10.15 am
In the Council Chamber, The Council House, Dudley

Present:-

Councillor D Russell (Chair)
Councillors K. Finch and R. James

Officers:-

R Clark (Legal Advisor), B Hughes (Licensing Enforcement Officer) and K Taylor (Democratic Services Officer) – All Directorate of Corporate Resources.

1 **Declarations of Interest**

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

2 **Minutes**

Resolved

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

3 **Application to Vary a Premises Licence – The Hare and Hounds, Wynnall Lane, Stourbridge**

A report of the Director of Corporate Resources was submitted on an application for variation of the premises licence in respect of the premises known as The Hare and Hounds, Wynnall Lane, Stourbridge.

Mr P Robson (Solicitor); Mr R Webb (Operations Manager, Marstons PLC); Mr L Sergeant (Licensee), Ms W Wild (Supporter) and Miss R Smith (Supporter), were in attendance at the meeting.

Also in attendance and objecting to the application was Councillor R Body (Ward Member and local resident).

Following introductions, the Licensing Enforcement Officer presented the report on behalf of the Council.

Councillor Body then presented his representations, and in doing so stated that the main reasons he objected the application submitted, was the noise nuisance caused during the warm evenings whilst the windows in the rear room were opened, and that he had lived in a nearby street for over eighteen years.

It was noted that Councillor Body had visited a number of properties in close proximity of the premises, and it was evident that the residents were not aware of the proposed variation of the premises licence. He further stated that he could not identify a notice displayed at the premises, and that he circulated letters to local residents informing them of the applications, and the process should they wish to object.

Mr Robson then presented the case, on behalf of the applicant, and in doing so referred to comments made by Councillor Body in relation to a public notice highlighting the proposed variation; in responding he confirmed that Mr Sergeant had received advice from the Licensing Office in respect of the notice and the correct positioning.

Mr Robson further stated that the premises was part of the community and operated by demand, therefore Mr Sergeant submitted the application to offer existing customers a safe and enjoyable environment in order to prevent customers re-locating to another venue. It was noted that the application requested an additional hours trading on Friday and Saturday nights only, with the premises closing to the public thirty minutes thereafter.

Mr Robson confirmed that Mr Sergeant was the Designated Premises Supervisor and had extensive experience in the industry, and had been at the premises for over a year.

Mr Robson acknowledged the objections submitted by local residents, however it was evident that no objections had been received from other responsible authorities, including West Midlands Police and Environmental Health, which suggested that the premises was a positive influence.

Reference was made to concerns raised in relation to noise nuisance from customers, and Mr Robson stated that there were other premises in the local area and therefore the people who were causing the nuisance, might not have been customers of The Hare and Hounds.

Mr Robson referred to the concerns raised by Councillor Body in relation to the noise nuisance as a result of the windows being opened, and proposed a number of conditions, including closing the windows and doors after 11.30pm, that the Sub-Committee could attach to the premises licence to address the concerns raised.

In concluding, Mr Robson stated that residents could raise any concerns with Mr Sergeant, and that Mr Sergeant was willing to circulate his mobile number to the objectors.

In responding to a question by Councillor Body; Mr Robson and Mr Sergeant confirmed that the windows at the premises were double-glazed and a hook could be removed from the rear door to prevent the door being constantly opened.

In responding to a question by a Member in relation to whether Mr Sergeant expected additional customers should the application be granted, Mr Sergeant stated that he wished to maintain his existing customers only, and that he would not want to accept more customers after the current closing time.

Following comments made in relation to the issues raised in relation to noise nuisance, it was reported that there had been no official complaints received by the Council or to Mr Sergeant directly.

In responding to a question by the Chair, Mr Sergeant confirmed that there were air vents available in the rear room at the premises.

In responding to a question by the Legal Advisor, Mr Robson stated that Mr Sergeant would manage the rear of the premises, including the smoking area, and ask customers to be quiet and mindful of local residents. Mr Sergeant also reported that the door to the premises would be closed at 11.30pm, and relevant signage could be displayed by the exit in relation to noise.

In summing up, Councillor Body, on behalf of local residents, reiterated his comments made previously, and stated that the rooms at the premises were small and the noise nuisance increased during the warm evenings.

In summing up, Mr Robson, on behalf of the applicant, reiterated his comments made previously, and stated that the Sub-Committee's decision should be proportionate and appropriate to promote the Licensing Objectives, and requested that the application be granted. He reported that the conditions suggested by Mr Sergeant would address the concerns raised, in particular, those relating to noise nuisance.

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 below conditions being applied to the premises licence, the application for the variation of the premises licence in respect of The Hare and Hounds, Wynall Lane, Halesowen, be approved.

Reasons for Decision

This is an application by Marstons PLC for a variation in the Licensing hours of the Hare and Hounds, from 10.00am to Midnight on Friday and Saturday, until 1am on those days.

Local residents have made representations, opposing the additional hour on Fridays and Saturdays. Nine local residents in total have made representations. The main concerns raised are that the public house currently creates noise by way of music and voices up until midnight and after. There have been no complaints made formally to the Police or the Council about noise, or directly to the landlord, before this application. The applicant has put forward these conditions in order to address the concerns of local residents about noise from the pub and specifically its function room. The Sub-Committee takes account of the fact that there have been no complaints about noise with the current hours being to midnight, and that the conditions proposed address the noise issue specifically. The Sub-Committee attaches the following conditions to the premises licence and grants the application. They are:-

- (1) On Friday and Saturdays when live or recorded music are played, the doors and windows will be closed at 11.00pm, except the doors for access and egress.
- (2) Notices will be displayed prominently at all doors asking customers to leave the premises quietly and to respect local residents.
- (3) Throughout the evening on Friday and Saturdays when live or recorded music are played, a staff member will conduct an hourly tour of the pub, car park and beer garden, and record any noise problems, in order to address these. This record will be available to a Responsible Authority for inspection on request.

A report of the Director of Corporate Resources was submitted on an application for the grant of a premises licence in respect of Johal's Convenience Store, 14A – 14B Enville Road, Kingswinford.

Mr D Hardy (Representative), and Mrs S Johal (Licensee), together with her husband were in attendance at the meeting.

Also in attendance and objecting to the application were three local residents.

Following introductions, the Licensing Enforcement Officer presented the report on behalf of the Council.

A local resident then presented her representations, and in doing so stated that the location was a small village and there were a number of licensed premises within a close proximity. She stated that there was existing nuisance from members of the public consuming alcohol and anti-social behaviour at a nearby park by children who had purchased alcohol.

She further reported that local residents had not been informed about the premises and there were existing parking problems in the village.

In responding to a question by Mr Hardy, the residents confirmed that the issues raised had been an existing problem in the area.

Mr Hardy then presented the case, on behalf of the Applicant, and in doing so informed the Sub-Committee that Mr and Mrs Johal were very experienced and were aware of the area and demographics, which reflected in the application, submitted. He reported that measures would be implemented in the premises to address the concerns of the residents, including extensive CCTV to the inside and outside of the premises, and internal shutters to maintain the standard of the premises.

In concluding, Mr Hardy stated that the owners were distinguished for training their staff to a high standard, and confirmed that staff members would remove any litter in front of the store on a daily basis.

In responding to a question by a local resident in relation to the delivery of stock to the premises; Mr Hardy responded that the applicants would consider an appropriate time for the deliveries.

In summing up, the local residents stated that the main concerns were in respect of the deliveries to the premises.

In summing up, Mr Hardy, on behalf of the applicant, stated that he respected the petition submitted, however there had been no representations submitted by other responsible authorities such as West Midlands Police.

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

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

Resolved

That the application for the grant of a premises licence in respect of Johal's Convenience Store, Enville Road, Kingswinford, be approved.

Reasons for Decision

This is an application by Sandip Johal for a premises licence for a shop, to be called Johal's Convenience Store, Enville Road, Kingswinford. The licensing hours sought are 7.00am to 10.00pm.

The Police have made no representations, and neither has any other Responsible Authority. However a petition has been signed by a number of local residents, opposing the grant. There appear to be fourteen names.

Local residents are concerned about the number of alcohol outlets in the area. This, however, is not a matter that the Sub-Committee can take into account. Local residents also raise concerns about current drinking and drunkenness in the area, and excessive litter on the pavement outside the shop. These issues however cannot be linked to this applicant, or this premise since it is currently closed and locked up.

To address the concerns of residents, the applicants state that they will install CCTV inside and outside the store, clear away all rubbish from the pavement outside the store daily, to install internal window shutters in the store to maintain the standard of the premises and be available to residents to listen to any concerns raised. They have also stated that they will consider the timing of any deliveries to the shop in view of the parking and limited access to the store.

The Sub-Committee therefore grants the application.

5 **Application for Review of Premises Licence - The Convenience Store/Liquor World, Bromley Lane, Kingswinford**

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of The Convenience Store/Liquor World, Bromley Lane, Kingswinford.

Mr P Samra, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting, together with his Solicitor, Mr A Aleheart.

Also in attendance were Mr C King, Trading Standards Officer, and Mr G Wintrip, Age Restricted Products Enforcement Officer, both from the Directorate of the Urban Environment; Ms K Turley, Planning and Licensing Officer, and Detective Inspector W Bird, Public Protection Unit, West Midlands Police.

Following introductions by the Chair, the Licensing Enforcement Officer then presented the report on behalf of the Council.

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

Mr King informed the Sub-Committee that on 5th March, 2013, a fifteen year old male child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives.

It was noted that complaints had been made on 12th December, 2011 and 4th January, 2012, in respect of underage sales at the premises.

On 16th January, 2012, an officer from Trading Standards carried out an advisory visit to the premises and spoke to Mr Samra, the Premises Licence Holder. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, and Mr Samra was given detailed advice including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Samra also signed an Age Restricted Products form 0543 to acknowledge receipt of the information and advice.

It was noted that alcohol test purchase exercises were conducted at the premises on 17th February, 2012 and 18th May, 2012, with no sale being made.

Mr King reported that during the weekend of 7th July, 2012, an allegation was made to West Midlands Police, that a thirteen year old girl had been sold a "fake" 20cl bottle of Glens vodka. The vodka was taken to the Police for investigation, which confirmed that the vodka was genuine. The girl's parents declined to take the matter further.

On 12th July, 2012, an officer from Trading Standards carried out an advisory visit to the premises and spoke to Mr Samra, providing him with detailed advice and information in relation to preventing underage sales of age restricted products. Mr Samra was given an advice pack relating to the sale of age restricted products and was asked to ensure that all staff were aware of their obligations under the Licensing Act 2003. The pack contained an advice booklet, a challenge 25 poster, a refusals register, a proof of age poster and a sample PASS (proof of age) card. Mr Samra signed ARP form 0600 to acknowledge receipt of the pack.

It was noted that an alcohol test purchase exercise was conducted at the premises on 24th July, 2013, with no sale being made.

Mr King reported that a further advisory visit was undertaken at the premises on 25th July, 2013, and Mr Samra signed ARP form 0914 to acknowledge that the visit had taken place and the advice given. During the visit, officers located nine bottles of Glens vodka that were displaying counterfeit duty paid labels on the rear of the bottles, which were seized and Mr Samra given a Trader's Notice 0439 as a receipt. Following investigation, the manufacturer confirmed that the alcohol had been made for the export market and therefore must have been purchased on the black market. Mr Samra was issued a warning letter and the bottles were destroyed.

It was noted that on 20th February, 2014, information was received from West Midlands Police alleging that alcohol had been sold knowingly from the premises in May, 2013, to a sixteen year old. The alcohol was then supplied to a thirteen year old girl who became intoxicated and then subjected to a number of serious sexual assaults which were still under investigation by the Public Protection Unit.

On 5th March, 2014, Trading Standards together with West Midlands Police, carried out a test purchase exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a fifteen year old male child test purchase volunteer purchased a bottle of Smirnoff Ice with 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer or proof of identification despite a "challenge 25" policy being in place.

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 Samra. When cautioned, Mr Samra made no reply.

On inspection of the premises, it was noted that there were several Age Restricted Products posters displayed including "challenge 25" in place, however there were no entries inputted in the Refusals Register. Mr Samra was then issued with a Fixed Penalty Notice.

Mr King further reported that whilst the officers were at the premises, an examination of the premises identified fourteen 70cl bottles of Glens vodka. It was noted that four of the bottles were displayed on the shelving behind the counter. The rest were found in a box under the counter, that were displaying counterfeit duty paid labels on the rear of the bottles. These were seized and Mr Samra given a Trader's Notice as a receipt.

Following investigation, the manufacturer confirmed that the alcohol had been made for the export market, but had been diverted and counterfeit duty paid labels stuck on the rear. Mr Samra was requested to produce invoices or receipts to cover the purchase of the illicit bottles by 14th March, 2014, however to date he had not submitted these, or made contact with Trading Standards to offer any explanation.

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.

Reference was made by Mr Aleheart in relation to the assault to a thirteen year old girl in May, 2013, in particular, that he had concerns that the allegation had been highlighted in the application for review of the premises licence, considering the allegation had taken place over twelve months ago. In responding, Mr King reported that the information had been received from West Midlands Police in February, 2014, however Mr Samra did fail the alcohol test purchase exercise undertaken on 5th March, 2014 that resulted in a sale being made.

Ms K Turley 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 there had not been recent reports of crime or disorder at the premises or anti social behaviour attributed to the premises.

Ms Turley further stated that the sale of alcohol to a minor was a serious matter and supported the recommendations made by Trading Standards.

Detective Inspector Bird then presented her representations as she was the investigation officer for the assault of a thirteen-year-old girl in May, 2013, following the consumption of alcohol alleged to have been purchased at the premises. It was reported that the delays in commencing the investigating was due to the time in which the victim reported the assault.

Mr Aleheart referred to the alcohol test purchase exercise in July, 2013, two months following the assault, where there was no sale made, therefore it was evident that there were measures in place at the premises. He stated that the review of the premises licences was a licensing matter and that it was incorrect to link the assault and sale of alcohol together. In responding Detective Inspector Bird reported that although she considered that there was a link between the thirteen-year-old girl and the premises, she was unable to produce the evidence to the Sub-Committee.

Mr Aleheart made reference to the three successful test purchase exercises and the historic complaints received in 2011 and 2012, and in responding, Mr Wintrip stated that the application for review was balanced and included both positive and negative information in respect of the premises.

Reference was made to the proposed conditions, and Mr Aleheart asked Trading Standards if they considered that imposing the conditions, and additional conditions proposed by Mr Samra, would address the concerns raised. In responding, Mr Wintrip stated that the conditions depended on Mr Samra imposing the conditions correctly.

In responding to a question by a member in relation to the seizure of counterfeit alcohol in July, 2013 and the possible sanctions; Trading Standards confirmed that the manufacturer of the alcohol would not provide information, as the alcohol was genuine, therefore Trading Standards applied for a review of the premises licence. It was also noted that despite requests made to Mr Samra to provide information in relation to the purchase of the counterfeit goods, he had failed to do so.

In responding to a question by the Legal Advisor, Detective Inspector Bird stated that the CCTV at the premises had not been reviewed in relation to the assault in May, 2013, as the incident was historic, therefore was referred to Licensing.

Mr Aleheart then presented the case, on behalf of Mr Samra, and in doing so informed the Sub-Committee that it was accepted that there had been some failings and referred to the purchase of counterfeit goods, in particular, that although the alcohol was genuine, it had been purchased from a man who had entered the premises. It was noted that Mr Samra had a ultra-violet machine that projected a fluorescent light to identify UK Duty Stamps; and Mr Samra believed the bottles to be genuine but did admit that he had made a mistake.

Mr Aleheart reported that he had produced a credited training manual and record for staff and referred to various sections in the Licensing Act 2003, in particular, that there should be an appropriate response in order to promote the Licensing Objectives.

In concluding, Mr Aleheart stated that Mr Samra had accepted that he had made a mistake and was willing to do everything he could do to maintain his business.

In responding to a question by Mr King, Mr Samra confirmed that he had purchased the second batch of counterfeit goods from a van, in order to compete with other businesses, as it was cheaper, and it was evident that customers had stopped purchasing alcohol at the retail price in between the two seizures.

Reference was made to the lack of entries in the Refusals Register, and Mr Samra confirmed that the register had been overlooked and although refusals were made they were not logged.

In responding to comments made in relation to Mr Samra's failure to provide receipts to Trading Standards for the counterfeit alcohol, Mr Samra confirmed that the purchases were cash sales only, and that he submitted his receipts to his accountant on a quarterly basis.

In responding to a question by a member in relation to the sale of alcohol to a test purchase volunteer on 5th March, 2014, Mr Samra stated that he had been distracted as he was writing a stock record. Mr Samra acknowledged the health impacts on children who consumed alcohol.

The Legal Advisor made reference to the complaint received in 2011 by a Council employee who claimed that their child had been sold at the premises whilst underage; Mr Samra denied the sale had taken place as the staff would question customers, and stated that he had recently installed a till-prompt system that prompted staff members to challenge customers that appeared underage. Mr Samra also denied selling alcohol to a sixteen year old in May, 2013, and confirmed that he had CCTV installed at the premises.

In responding to a question by the Legal Advisor, Mr Samra confirmed that he could implement the conditions suggested immediately.

In responding to a question by the Chair, Mr Samra confirmed that there were three members of staff at the premises.

In summing up, Mr King, on behalf of Trading Standards, stated that the actions of Trading Standards had been proportionate considering the complaints received for the premises, and the main priority was to ensure that children were safe.

In summing up, Mr Aleheart, on behalf of Mr Samra, reiterated his comments made previously, and stated that there had been no prosecutions in respect of the counterfeit alcohol and the decision made by the Sub Committee should be a proportionate response to the issues raised. Mr Aleheart suggested that the conditions proposed would address the concerns raised, and that should Mr Samra breach the conditions he would be brought back to the Sub-Committee which could result in his premises licence being revoked.

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

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

Resolved

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr P Samra be removed as the Designated Premises Supervisor in respect of the premises known as the Convenience Store/Liquor World, Bromley Lane, Halesowen.

The conditions listed below will also be attached to the premises licence.

Conditions

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

- (11) 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.
- (12) A personal licence holder will be present at the premises before 09:00 and after 15:00 at all times that the premises are open to members for licensable activities.
- (13) No alcoholic drinks will be purchased from sellers calling at the premises.
- (14) A strict stock control system will be introduced so that the licensee can quickly identify where and when alcoholic drinks have been purchased.
- (15) An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on all spirits as soon as practicable after they have been purchased.
- (16) If any of the spirits purchased have UK Duty Stamps which do not fluoresce under ultra-violet light or are otherwise suspicious, the licensee shall identify the supplier to the Trading Standards department and/or HMRC as soon as possible.
- (17) An electronic point of sale (EPOS) till system shall be used for all sales of alcohol with a prompt to remind staff members to check the age of the person attempting to purchase the alcohol.

Reasons for Decision

This review is brought by Trading Standards, as a result of an underage sale to a test purchaser, aged fifteen, on 5th March, 2014. Previous test exercises in 2012 and 2013 have not resulted in a sale. However, the sale on 5th March, 2014 was made by the Premises Licence Holder and Designated Premises Supervisor Mr Pubhinder Samra. Upon inspection there were no entries in the stores refusal register. He says he has now installed till software to prompt questioning of potential purchases.

In addition, on 25th July, 2013 Trading Standards found nine bottles of vodka on the premises which had evaded duty and should not be sold in UK premises. Despite having those bottles confiscated, and being given a warning notice, a further fourteen bottles of vodka were found on the premises on 5th March, 2014. These again had counterfeit duty labels on them. Mr Samra has not produced receipts for any of the bottles to prove that he purchased them from a reputable wholesaler. He did not have them and bought alcohol “out of the back of a van”.

The Police have given evidence that a fifteen year old girl has stated that a sixteen year old friend who was known to the store, purchased alcohol and plied her with it. Mr Samra denies knowing this sixteen year old or making sales in December, 2011 and January, 2012 to young persons.

Mr Samra admitted that he purchased vodka from sources which did not give him proper receipts in order to make a profit and undercut competitors. He did this twice. He also admitted that he had not kept proper accounts for these purchases. Further he admitted that he was distracted when he made the underage sale in March 2014 as he was completing a stock record.

The Sub-Committee finds that although Mr Samra has made proposals today to attach conditions to his licence, to address some of these concerns, he has not managed the business and purchase and sale of alcohol responsibly to protect the public and children.

The Sub-Committee therefore takes the step of removing Mr Samra as the Designated Premises Supervisor. A new Designated Premises Supervisor will need to be appointed to manage the licence responsibly. The Sub-Committee accepts the imposition of the conditions put forward by trading standards, together with the additional six put forward by Mr Samra. It finds that these do address the issue of underage sales and the purchase of alcohol with counterfeit labels.

The meeting ended at 2.20 pm.

CHAIR

LICENSING SUB-COMMITTEE 4

Tuesday 8th April, 2014 at 10.10 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Roberts (Chair)
Councillors Perks and Russell

Officers: -

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

27 APOLOGY FOR ABSENCE

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

28 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor Russell had been appointed as a
substitute Member for Councillor Woodall for this meeting of the
Sub-Committee only.

29 DECLARATIONS OF INTEREST

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

30 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held
on 4th March, 2014, be approved as a correct record and
signed.

31 APPLICATION FOR REVIEW OF PREMISES LICENCE –
WALLHEATH WINELODGE, 16A ENVILLE ROAD, WALLHEATH

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Wallheath Winelodge, 16A Enville Road, Wallheath.

Mr T Singh, Premises Licence Holder, was in attendance at the meeting together with Mrs H Kaur Pawar, Designated Premises Supervisor.

Also in attendance were Mr M Chambers, Trading Standards Manager, Directorate of the Urban Environment; Ms D McNulty, Office of Public Health; and Ms K Turley, Planning and Licensing Officer, West Midlands Police.

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

Mr Chambers 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 Chambers informed the Sub-Committee that on 7th February, 2014, 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.

It was noted that on 18th May, 2012, an alcohol test purchase was conducted at the premises with no sale being made,

On 3rd July, 2012, an officer from Trading Standards carried out a visit to the premises and spoke to Charanjit Kaur, an employee of the business. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, and Charanjit was given detailed advice including information in respect of acceptable proof of age and the importance of keeping a refusals register. An information pack was provided that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card, and a request made 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. Charanjit Kaur also signed a Trader's Notice 0351 to acknowledge receipt of the information pack during the visit.

It was noted that on 8th February, 2013, a tobacco test purchase was conducted at the premises with no sale being made,

Mr Chambers further stated that on 7th February, 2014, Trading Standards together with West Midlands Police, carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a sixteen year old female test purchaser volunteer purchased a bottle of Echo Falls Spritz with 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer or proof of identification.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been a Mr T Singh Sandhu. When cautioned, and having been informed of the sale to the test purchaser, Mr Singh Sandhu made no reply, a Fixed Penalty Notice was then issued.

On inspection of the premises, it was noted that there were several age restricted products posters displayed including "Challenge 25", however the Refusals Register could not be produced when requested.

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

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

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

Ms K Turley 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 there was no recent intelligence in relation to counterfeit goods at the premises or any reports of crime or disorder at the premises. It was noted that there was minor anti-social behaviour attributed to the premises in 2013.

Ms Turley further stated that the sale of alcohol to a minor was a serious matter and supported the recommendations made by Trading Standards.

In responding to a question by the Legal Advisor, in relation to Ms Turley's comments in respect of anti-social behaviour in 2013, and whether she had any specific information; Ms Turley responded that she had no further information in respect of the incidents.

Mr Singh then presented his case, and in doing so stated that he and his wife, the Designated Premises Supervisor, carried out their jobs very seriously and had not underestimated how serious the sale of alcohol to a child had been. He further stated that he had owned the business since 1997 with no problems, and that his staff had been trained and made aware that alcohol to children should not be sold.

Further to comments made in respect of the Refusals Register not being located on 7th February, 2014; Mr Singh confirmed that there was a register, however it had been misplaced and staff members entered hand-written refusals in a bound book, until the register had been found.

Mr Singh assured the Sub-Committee that he was willing to work hard to avoid another sale taking place, and accepted that there had been a mistake on 7th February, 2014 and that staff members should be more vigilant and further trained.

Mr Singh further reported that he was in agreement with the conditions suggested by Trading Standards, and sought clarification in respect of the CCTV system, and training of staff members. Mr Chambers and Ms Turley both confirmed that they were happy to consult with Mr Singh in respect of the two areas.

In responding to a question by Mr Chambers, Mr Singh confirmed that the employee who had sold the alcohol to the child, Mr Singh Sandhu, was still employed at the premises. Mr Singh also reported that he had informed Mr Singh Sandhu of his obligations and he had received a warning.

Concerns were raised in relation to the training of staff dependent on their contract at the premises, and the Chair suggested that Mr Singh might wish to implement training through an outside source.

Mr Singh reported that having owned the business since 1997, he had become part of the local community, and that there were three members of staff who were employed on a part-time basis. He also made reference to the comments made by Ms Turley in relation to anti-social behaviour, and stated that there had been issues in the area at the time and not directly to the premises.

In responding to a question by the Legal Advisor, Mr Singh confirmed that alcohol formed 40% of his trade.

Following the submission of the refusals register by Mr Singh, all parties responded to a question asked by the Chair, and confirmed that they had a fair hearing.

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

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

RESOLVED

That, subject to the following conditions being applied to the premises licence, no further action be taken in relation to the review of the premises licence in respect of Wallheath Winelodge, 16A Enville Road, Wallheath : -

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

The Sub-Committee has heard representations from Trading Standards, Public Health, Police and the Premises Licence Holder.

The Sub-Committee has noted the history of the Premises, but are concerned that the Premises will be properly managed in future.

The Sub-Committee is therefore not minded to suspend or revoke the licence on this occasion, so long as the Premises Licence Holder takes on the nine conditions listed in the review document in consultation with Police in respect of CCTV and with Trading Standards in respect of training.

The meeting ended at 11.20 am

LICENSING SUB-COMMITTEE 4

Tuesday 13th May, 2014 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Roberts (Chair)
Councillors Bills and Perks

Officers:-

Mr R Clark (Legal Advisor), Mr B Hughes (Licensing Clerk) and Mrs K Griffiths (Democratic Services Officer) – All Directorate of Corporate Resources.

Also in attendance

Mr S Smith, Licensing Enforcement Officer – Directorate of Corporate Resources (observer)

32 APOLOGY FOR ABSENCE

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

33 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor Bills had been appointed as a substitute Member for Councillor Woodall for this meeting of the Sub-Committee only.

34 DECLARATIONS OF INTEREST

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

35 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 8th April, 2014, be approved as a correct record and signed.

APPLICATION FOR REVIEW OF PREMISES LICENCE –
THORNHILL NEWS, 39 THORNHOLL ROAD, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Thornhill News, 39 Thornhill Road, Halesowen.

Mrs K Kaur Pank, Premises Licence Holder and Designated Premises Supervisor, was in attendance at the meeting together with her son.

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

It was reported that West Midlands Police were not in attendance at the meeting, however, representations had been circulated to the Sub-Committee prior to the meeting.

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

Mr Wintrip 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 Wintrip informed the Sub-Committee that on 12th March, 2014, a fifteen year old female child test purchaser was sold alcohol, namely four cans of Strongbow Cider with 5% alcohol, from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention of the licensing objectives.

It was reported that the current premises licence was granted to Mrs K Kaur Pank on 1st July, 2005. It was also reported that Mrs Pank was the Designated Premises Supervisor and held a personal licence issued by Dudley Metropolitan Borough Council.

It was noted that on 13th September, 2012, an officer from Trading Standards had carried out a visit to the premises and had spoken to Mrs Pank. It was reported that the purpose of the visit had been to provide advice to help prevent the underage sale of restricted products. Mrs Pank was given detailed advice, including information in respect of acceptable proof of age and the importance of keeping a refusals register. Mrs Pank was also provided with an advice pack relating to the sale of restricted products, an advice booklet, a challenge 25 poster, a refusals register, a poster regarding proof of age and a sample Proof of Age Standards Scheme card and was asked to ensure that it was brought to the attention of all staff to ensure that they were aware of their obligations under the Licensing Act 2003. During the course of the visit, Mrs Pank signed a form to acknowledge receipt of the information pack.

It was noted that on 28th August, 2013, a tobacco test purchase was conducted at the premises with no sale being made.

On 18th February, 2014, an advisory visit had been carried out at the premises. Mrs Pank was again spoken to by the officer involved and was provided with an updated advice pack. She also signed a form to acknowledge receipt of the information.

Mr Wintrip then reported that on 12th March, 2014, officers from Trading Standards carried out a test purchase at the premises to determine compliance with the law on the sale of alcohol to persons under the age of eighteen. It was reported that a fifteen year old female child test purchase volunteer had purchased four cans of Strongbow Cider with 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer and did not request any identification.

On returning to the premises, the individual who had sold the alcohol to the test purchase volunteer was identified as Mr Manveer Singh, who had stated that he was the son of the Licensee. Mr Singh was cautioned and informed that he had sold alcohol to a fifteen year old child. It was reported that Mr Singh had made no reply.

On inspection of the premises, it was reported that, various age-restricted posters had been seen on display, however, no "Challenge 25" policy was in place.

It was reported that on 19th March, 2014, a fixed Penalty Notice was issued to Mr Singh by PS Hall of West Midlands Police.

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

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

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

In responding to a question by a Member, Mr Wintrip reported that the premises did hold a refusal register, however on inspection, no entries had been made.

Mrs Pank then stated her case and in doing so informed the Sub-Committee that she had worked at the premises for twenty years and stated that there had been no history of complaints of underage sales during that time. She stated that her husband had recently had a heart attack and that the premises had suffered as a result. She also stated that they worked closely with the local police, who visited the establishment twice weekly.

In responding to questions from Members, Mrs Pank informed the Sub-Committee that she had five sons, who had been helping out at the premises while their father had been recovering. She assured the Sub-Committee that her children had received relevant training in relation to the operation of the store and sincerely apologised for her son allowing the sale.

In responding to a further question, Mrs Pank confirmed that her son had been operating the premises on his own at the time of the incident, however, reported that it was usual practice for two persons to be present at the premises at any time.

In responding to a question asked by a Member, Mrs Pank stated that she managed a small business and that she did not have a facility in place which provided the till operator with a instant message reminding them to ask for identification each time alcohol was scanned.

Concerns were raised that Challenge 25 posters had not been displayed at the premises. In responding, Mr Wintrip reported that it was not compulsory to display such posters, Trading Standards supplied the literature, however, it was at the discretion of the Premises Licence Holder to display them.

In responding to questions asked in relation to the proposed additional conditions, Mrs Pank confirmed that she had not looked at the conditions. The Legal Adviser reported that should the Sub-Committee be minded to include the proposed additional conditions to the current Premises Licence, the conditions would be binding on Mrs Pank and monitored. He stated that the proposed additional conditions would be aimed at combating underage sales of restricted products amongst other issues and suggested that Mrs Pank read them through, as it was important that she understood the information contained in the proposed additional conditions.

Mrs Pank and her son both read through the proposed additional conditions, with the approval of the Sub-Committee.

Following perusal of the proposed conditions, Mrs Pank confirmed that she would be happy to accept all conditions should the Sub-Committee be minded to include them on 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 Thornhill News, 39 Thornhill Road, Halesowen:-

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 adhered to. Valid proof of identification will only include passport, photographic driving licence or a Proof of Age Standard 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 of 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 underage, shall be refused service.

REASONS FOR DECISION

This is an application for review of the premises licence in respect of Thornhill News, 39 Thornhill Road, Halesowen brought by Trading Standards as a result of a test purchase exercise on 12th March, 2014. Mr Manveer Singh, the son of the Premises Licence Holder, made a sale to a fifteen year old female test purchaser of four cans of Strongbow Cider, without requesting any identification or proof of age. He was issued with a fixed penalty notice. In advance of this test exercise, a visit was made to Mrs Pank, the Premises Licence Holder and Designated Premises Supervisor on 18th February, 2014. She was given detailed advice on the sale of age restricted products and preventing underage sales. She was specifically asked to bring to the attention of all staff the advice and contents in the advice pack provided to the store.

Mrs Pank attended the review today and gave evidence that her husband had a heart attack three months ago, and the premises had therefore suffered from his absence, and the sons of the family had had to step in. Her husband was recovering gradually. She apologised for her son making the sale. She stated that the store had had no problems of this nature in twenty years and Trading Standards confirmed this. Therefore, Mr Manveer Singh had not expected to be required to ask for proof of age.

In the light of all these facts, the Sub-Committee takes the step of imposing the conditions, as set out above, to the Premises Licence, recommended by Trading Standards, in order to ensure that the licensing objectives are met.

37 APPLICATION FOR REVIEW OF PREMISES LICENCE – THE
CONVENIENCE STORE/LIQUOR WORLD, BROMLEY LANE,
KINGSWINFORD

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of The Convenience Store/Liquor World, Bromley Lane, Kingswinford.

The Licensing Clerk informed the Sub-Committee that on 6th May, 2014, notification had been received from the original representatives (GT Licensing Consultants) of Liquor World requesting that the hearing be deferred due to other work commitments. He reported that on 9th May, 2014, further correspondence from GT Licensing Consultants had been received, formally requesting the withdrawal of the deferment due to the Premises Licence Holder appointing another company to act for him.

The Licensing Clerk reported that following receipt of the original request, notification had been sent to all parties informing them of the deferment. He stated that on 12th May, 2014, he had contacted the new Solicitors acting on behalf of Liquor World informing them that the hearing was unlikely to go ahead due to the absence of West Midlands Police and requested that should representatives from Liquor World attend the hearing, the Sub-Committee consider deferring the application.

Following the non-attendance of representatives of Liquor World, it was

RESOLVED

That consideration of the application made for the review of the premises licence in respect of The Convenience Store/Liquor World, Bromley Lane, Kingswinford, be deferred to a future meeting.

The meeting ended at 10.45 am.

CHAIR

Minutes of the Licensing Sub-Committee 4

Tuesday 24th June, 2014 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor M Roberts (Chair)
Councillors D Hemingsley and H Turner

Officers:-

R Clark (Legal Advisor), L Rouse (Licensing Clerk) and K Griffiths (Democratic Services Officer) – All Directorate of Corporate Resources.

1 **Declarations of Interest**

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

2 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 13th May, 2014, be approved as a correct record and signed.

3 **Application for a Licensed Premises Gaming Machine Permit – The Cross, High Street, Kingswinford**

A report of the Director of Corporate Resources was submitted on an application for the grant of a Licensed Premise Gaming Machine Permit for three, Category C machines, in respect of The Cross, High Street, Kingswinford.

Mr M Ford, Business Development Manager at Spirit Pub Company (Services) Limited and Ms K Hudson, General Manager at The Cross were in attendance at the meeting.

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

Mr Ford then explained the reason why a third Category C machine had been applied for and stated that the two machines currently in operation at the premises were very popular with customers. He referred to the poor history of the premises, however he stated that Spirit Pub Company (Services) Limited was a large and reputable company and were committed to introducing measures to improve the outlook of the premises. He referred, in particular, to the intention to offer a more varied range of food to encourage more customers to use the establishment.

Clarification was sought with regard to the siting and type of machines that would be available to customers at the premises.

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

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

Resolved

That the application for a Licensed Premises Gaming Machine Permit for three Category C Machines in respect of The Cross, High Street, Kingswinford be approved.

4

Application to Transfer a Premises Licence – Select Food and Beverages, 95 High Street, Dudley

A report of the Director of Corporate Resources was submitted on an application for transfer of the premises licence in respect of the premises known as Select Food and Beverages, High Street, Dudley.

Ms J Braham, applicant, was in attendance at the meeting.

Also in attendance were Ms K Turley, Planning and Licensing Officer and PC A Baldwin, West Midlands Police.

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

PC Baldwin made detailed representations in relation to the applicant's previous convictions and although no offences had been committed since 2003, she requested that the Sub-Committee consider refusing the application.

PC Baldwin then responded to a number of questions in relation to the applicant's previous convictions.

Ms Braham acknowledged that she had made mistakes in the past and stated that she had put the past behind her and that she wanted to represent her community by selling Caribbean foods, products which were not widely available in the local area.

In responding to questions, Ms Braham confirmed that she had been managing the premises on her own for twelve months, however, she indicated that she had recently got a new business partner, Mr Tony Hartley, who could not attend the hearing today due to other commitments. She stated that she had invested a vast amount of time and financial commitment into the premises and assured the Sub-Committee that she was committed to making the premises a success.

In responding to a question from a Member, Ms Braham confirmed that she had little experience in relation to selling age restricted products, however, assured the Sub-Committee that she and her new business partner would ensure that appropriate training was undertaken. The Legal Adviser responded stating that it was essential that adequate training be undertaken in relation to the sale of alcohol.

In responding to a further question, Ms Braham confirmed that the current Designated Premises Supervisor was Mr A Hines and had been since August 2013.

Further questions were responded to in relation to licensing hours and safety measures. Ms Braham confirmed that she was currently working from 8.00am to 8.00pm and that CCTV was in operation at all times which was accessible, should the Police or local authority request to view the footage.

The Legal Adviser clarified the hours currently worked by Ms Braham and enquired whether she would consider adopting those hours permanently. In responding, Ms Braham confirmed that she would adopt the hours of 8.00am to 8.00pm should the Sub-Committee be minded to impose them.

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

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

Resolved

That the application for transfer of the premises licence in respect of the premises known as Select Food and Beverages, High Street, Dudley, be deferred.

Reason for decision

Although the Sub-Committee was concerned in relation to the information reported on arising from Police intelligence, the Licensing Sub-Committee had serious reservations that the applicant and her new partner had received no training in relation to the sale of age restricted products and that the current Designated Premises Supervisor was only located at the premises part-time. Therefore, the Sub-Committee determined that no decision would be made until training had been undertaken and that any future decision would not exclude any Police representations in the future.

The meeting ended at 10.55am.

CHAIR

TAXIS COMMITTEE

Wednesday, 16th April, 2014 at 5.30 p.m.
in Committee Room 3 at the Council House, Dudley

PRESENT:-

Councillor Body (Chair)
Councillor A. Aston (Vice-Chair)
Councillors A. Ahmed, Mrs. Ameson, Cowell, Roberts, Taylor and Vickers

Officers:-

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

121. APOLOGY FOR ABSENCE

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

122. APPOINTMENT OF SUBSTITUTE MEMBER

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

123. DECLARATIONS OF INTEREST

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

124. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 12th March, 2014, be approved as a correct record and signed.

125. CHANGE IN ORDER OF BUSINESS

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

RESOLVED

That the remaining items of business be considered in the following order:-

Agenda Item Nos. 6, 5, 10, 11, 12, 13, 14, 15, 16, 17 and 9

126. INTRODUCTION OF A “CUSTOMER FEEDBACK SCHEME”

A report of the Director of Corporate Resources was submitted on a customer feedback scheme, which would put the emphasis of good driver practice on the individual driver and the taxi base.

Mrs D Keeley, CSS Consultancy Unit Manager, Directorate of Corporate Resources, was in attendance at the meeting and provided a background and demonstration as to how the customer feedback form was completed and the webpage that highlighted the feedback submitted.

Concerns were raised by Members, in particular, that the current form requested the customers name and address only, and Members suggested that it would be preferred to request an e-mail address and a number for customers to telephone if they did not have an e-mail address.

It was further noted that an automated message could be sent back to the customer to include their reference number and a link in order to view feedback submitted.

RESOLVED

- (1) That approval be given to the introduction of a customer feedback scheme with effect from 1st June, 2014.
 - (2) That the CSS Consultancy Unit Manager be requested to amend the customer feedback form to include an e-mail address, rather than a home address, and a telephone number, and to arrange for an automated e-mail to be sent to the customer following their submission.
-

127. COMPETITION FOR TAXI BASE OF THE YEAR 2014

A report of the Director of Corporate Resources was submitted on nominations and submissions for the Taxi Base of the Year Competition 2014.

Mr A Mahmood, Hackney Carriage Representative, was in attendance at the meeting, and following a brief discussion and a vote it was

RESOLVED

That Taxi Base of the Year 2014 be awarded to Taximate.

128. EXCLUSION OF THE PUBLIC

RESOLVED

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

<u>Description of item</u>	<u>Relevant Paragraph of Part I of Schedule 12A</u>
Review of Private Hire Driver's Licence – Mr SUH	1
Review of Hackney Carriage Driver's Licence – Mr SA	1
Review of Private Hire and Hackney Carriage Drivers' Licences – Mr RM	1
Renewal of Private Hire and Hackney Carriage Drivers' Licences – Mr MH	1
Renewal of Private Hire and Hackney Carriage Drivers' Licences – Mr TA	1
Review of Private Hire Driver's Licence – Mr JR	1
Renewal of Private Hire Driver's Licence – Mr TH	1
Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr KW	1
Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr ARC	1

129. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR SA

A report of the Director of Corporate Resources was submitted on a review of the hackney carriage driver's licence issued to Mr SA in the light of the information contained in the report submitted.

Mr SA was in attendance at the meeting, together with his Solicitor, Mr Schiller.

Mr Schiller made representations on behalf of his client, and in doing so stated that Mr SA should not have been summoned to the Committee as Mr SA had regularly maintained his vehicle, and the issue could not have been identified by a person who was not a trained mechanic.

Mr Schiller responded to questions raised by the Committee on behalf of Mr SA, and in doing so informed them that there were no matters pending that they needed to be made aware of.

RESOLVED

That, arising from the information contained in the report submitted, and as reported at the meeting, no further action be taken on the hackney carriage driver's licence issued to Mr SA.

130. REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR RM

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 RM, in the light of the information contained in the report submitted.

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

Mr Saleem made representations on behalf of Mr RM, and Mr RM informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, arising from the information contained in the report submitted, and as reported at the meeting, no further action be taken on the private hire and hackney carriage drivers' licences issued to Mr RM.

131. RENEWAL OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR MH

A report of the Director of Corporate Resources was submitted on the renewal of the private hire and hackney carriage drivers' licences issued to Mr MH, in the light of the information contained in the report submitted.

Mr MH was in attendance at the meeting, together with his Solicitor, Mr Schiller and a supporter.

During consideration of this matter, it was noted that the Committee had previously deferred consideration of an offence for which Mr MH had been convicted in August, 2011. This was also considered by the Committee in the presence of the applicant and his Solicitor.

Mr Schiller made representations on behalf of his client, and Mr MH informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

- (1) That, arising from the information contained in the report submitted, and as reported at the meeting, approval be given to the grant of private hire and hackney carriage drivers' licences to Mr MH for a period of twelve months.
- (2) That no further action be taken on the private hire and hackney carriage drivers' licences issued to Mr MH in respect of the offence for which he had been convicted in August, 2011.

132. RENEWAL OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR TA

A report of the Director of Corporate Resources was submitted on the renewal of the private hire and hackney carriage drivers' licences issued to Mr TA, in the light of the information contained in the report submitted.

Mr TA was in attendance at the meeting, together with his representative, Mr Hussain, and a supporter.

Mr Hussain made representations on behalf of Mr TA, and Mr TA responded to questions asked by the Committee in relation to his failure to operate the taximeter. He also informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted and as reported at the meeting, the private hire and hackney carriage drivers' licences issued to Mr TA be suspended for a period of two months in the light of his failure to operate the taximeter.

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

133. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR JR

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr JR, in the light of an offence committed, as indicated in paragraph 3 of the report submitted.

Mr JR was in attendance, together with a representative and responded to questions raised in connection with the offence committed. Mr JR informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted and as reported at the meeting, the private hire driver's licence issued to Mr JR be suspended for a period of two months in view of the offence for which he had been convicted.

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

134. RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE – MR TH

A report of the Director of Corporate Resources was submitted on the renewal of the private hire driver's licence issued to Mr TH, in the light of an offence committed as set out in paragraph 4 of the report submitted.

It was noted that Mr TH was not in attendance at the meeting in view of him being in Pakistan.

Arising from consideration of the information submitted, it was:-

RESOLVED

That consideration of the renewal of private hire driver's licence issued to Mr TH be deferred to a future meeting of the Committee when he was back in the United Kingdom.

135. GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR KW

A report of the Director of Corporate Resources was submitted on an application made on behalf of Mr KW for the grant of private hire and hackney carriage drivers' licences. It was noted that Mr KW had failed to undertake his local knowledge test despite being contacted by the Licensing Office on numerous occasions.

Mr KW was in attendance at the meeting together with his representative and supporter.

Mr KW and his supporter responded to questions asked by the Committee, in particular, commenting on the circumstances surrounding his failure to undertake a knowledge test and that since 2010, Mr KW had become a changed person.

Following further discussion it was

RESOLVED

- (1) That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr KW be given a further opportunity to take his knowledge test within a period of two months.
- (2) That Mr KW be requested to undertake a drugs and alcohol test by the Council's Doctor.
- (3) That consideration of the application made on behalf of Mr KW for the grant of private hire and hackney carriage drivers' licences, be deferred to a future meeting of the Committee pending the outcome of Mr KW's drugs and alcohol test, and the local knowledge test.

136. GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR ARC

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 ARC.

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

Mr Saleem made representations on behalf of Mr ARC, and in doing so requested the Committee to give Mr ARC a chance, and suggested granting a three month probationary licence as that licence could be revoked should Mr ARC come before the Committee again, in that time.

Following concerns raised in relation to Mr ARC's history, Mr ARC assured the Committee that he would not attend the Committee again.

During consideration of this matter, Mr ARC requested that the application for a Private Hire Driver's Licence to be withdrawn.

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 ARC for a period of three months.

137. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR SUH

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr SUH, in the light of the information contained in the report submitted.

Mr SUH was not in attendance at the meeting and a reason for his absence had

not been received.

In view of this it was

RESOLVED

That consideration of the review of the private hire driver's licence issued to Mr SUH be deferred to the next meeting of the Committee, and that Mr SUH be informed that should he fail to attend when the matter was to be considered, it may be considered in his absence.

The meeting ended at 8.10 p.m.

CHAIR

TAXIS COMMITTEE

Thursday, 8th May, 2014 at 5.30 p.m.
in Committee Room 3 at the Council House, Dudley

PRESENT:-

Councillor Body (Chair)
Councillor A Aston (Vice-Chair)
Councillors A Ahmed, Mrs. Ameson, Cowell, Hemingsley, Roberts, Taylor and Vickers

Officers:-

Mr T Holder, Solicitor, Mr M Hanson, Licensing Clerk, and Mrs K Griffiths, Democratic Services Officer (all Directorate of Corporate Resources)

138. DECLARATIONS OF INTEREST

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

139. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 16th April, 2014, be approved as a correct record and signed.

140. 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. 8, 7, 12, 11, 13, 10 and 9 and that agenda item no. 8 be considered in public.

141. REVIEW OF LICENCE CONDITIONS IN RELATION TO PRIVATE HIRE OPERATOR'S LICENCES AND HACKNEY CARRIAGE VEHICLE LICENCES – THE USE OF "TAXI AGENTS" IN PUBLIC

A report of the Director of Corporate Resources was submitted on a proposal that following a period of consultation, conditions be appended to Private Hire Operator's licences and Hackney Carriage Vehicle licence to prevent the use of "taxi agents".

Following consideration of this matter, it was

RESOLVED

- (1) That approval be given for a period of consultation with the taxi trade in order to ascertain whether a condition should be appended to private hire operator's and hackney carriage vehicle licences to prohibit the use of "taxi agents", as outlined in paragraphs 10 and 11 of the report submitted.
- (2) That following the consultation undertaken the matter be referred back to a future meeting of the Committee for determination.

142. EXCLUSION OF THE PUBLIC

RESOLVED

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

<u>Description of item</u>	<u>Relevant Paragraph of Part I of Schedule 12A</u>
Review of Private Hire and Hackney Carriage Drivers' Licences – Mr AABH	1

Review of Private Hire Driver's Licence – Mr SUH	1
Grant of Private Hire Driver's Licence – Mr MS	1
Renewal of Private Hire and Hackney Carriage Drivers' Licences – Mr AA	1
Grant of Private Hire Driver's Licence – Mr LT	1
Review of Private Hire and Hackney Carriage Drivers' Licences – Mr QI	1

143. REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR AABH

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 AABH, in the light of the information contained in the report submitted.

It was noted that Mr AABH was not in attendance at the meeting in view of him being out of the Country for the foreseeable future.

Arising from consideration of the information submitted, it was:-

RESOLVED

That consideration of the review of the private hire and hackney carriage drivers' licences issued to Mr AABH, be deferred to a future meeting of the Committee.

144. GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR LT

A report of the Director of Corporate Resources was submitted on an application made on behalf of Mr LT for the grant of a private hire driver's licence.

Mr LT was in attendance at the meeting, together with a supporter.

Mr LT responded to questions asked by the Committee in relation to the information contained in the report. He also 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 private hire driver's licence in respect of Mr LT be refused on the grounds that Mr LT is not a fit and proper person, given the offences that he had committed, as outlined in the report submitted.

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

145. RENEWAL OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR AA

A report of the Director of Corporate Resources was submitted on the renewal of the private hire and hackney carriage drivers' licences issued to Mr AA, in the light of the information contained in the report submitted.

Mr AA was in attendance at the meeting.

Mr AA responded to questions asked by the Committee and informed them that there were no matters pending that they needed to be made aware of.

RESOLVED

That, arising from the information contained in the report submitted, and as reported at the meeting, the private hire and hackney carriage drivers' licences issued to Mr AA, be renewed with effect from the 9th April, 2014 for a period of six months.

146. REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR QI

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 QI, in the light of the information contained in the report submitted.

Mr QI was in attendance at the meeting.

Mr QI responded to questions raised by the Committee in relation to the offence committed, as outlined in paragraph 3 of the report submitted. He also 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, Mr QI receive a written warning as to his future conduct in the light of the offence committed.

147.

GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR MS

A report of the Director of Corporate Resources was submitted on an application made on behalf of Mr MS for the grant of a private hire driver's licence in the light of his failure to pass, on three separate occasions, his test for local knowledge and the law pertaining to private hire.

It was noted that Mr MS was not in attendance at the meeting in view of him being out of the Country.

Arising from consideration of the information submitted, it was:-

RESOLVED

That the application made for the grant of a private hire driver's licence submitted on behalf of Mr MS, be deferred to a future meeting of the Committee.

148.

REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR SUH

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr SUH, in the light of the information contained in the report submitted.

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

Having decided to hear the matter in his absence, it was

RESOLVED

That, following consideration of the information contained in the report submitted, the private hire driver's licence issued to Mr SUH be suspended pending determination of the matter by officers under delegated powers.

Mr SUH would be informed of his right to appeal the decision of the Committee.

The meeting ended at 6.45 pm.

CHAIR

T/75

Meeting of the Taxis Committee

Tuesday 17th June, 2014 at 5.30 p.m.
in Committee Room 3 at the Council House, Dudley

Present:-

Councillor R Body (Chair)
Councillor A Ahmed (Vice-Chair)
Councillors A Aston, C Billingham, C Elcock (for part of the meeting only), J Martin and G Simms

Officers:-

T Holder, Solicitor, M Hanson, Licensing Clerk, and K Griffiths, Democratic Services Officer (all Directorate of Corporate Resources)

Also in attendance:-

Councillor P Bradley (as an observer pending training as a Member of the Committee)
S Smith, Licensing Enforcement Officer (observer)

1. **Apology for Absence**

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

2. **Appointment of Substitute Member**

It was reported that Councillor C Perks had been appointed as a substitute for Councillor J Cowell for this meeting of the Committee only.

3. **Declarations of Interest**

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

4. **Minutes**

Resolved

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

5. **Comments by the Chair – Councillor J Woodall**

As a mark of respect, following the death of former Councillor J Woodall, the Committee held one-minute silence.

6. **Exclusion of the Public**

Resolved

That the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information relating to any individual(s) as defined under Part I of Schedule 12A to the Local Government Act 1972, as amended.

7. **Review of Private Hire and Hackney Carriage Drivers' Licences – Mr AABH**

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 AABH, in the light of the information contained in the report submitted.

It was noted that Mr AABH was not in attendance at the meeting in view of him being out of the Country for the foreseeable future. It was also noted that the witness was also not in attendance and reasons for his non-attendance had not been received.

Arising from consideration of the information submitted, the Committee decided to proceed in the absence of Mr AABH and the witness.

Resolved

That, arising from the information contained in the report submitted, no further action be taken on the private hire and hackney carriage drivers' licences issued to Mr AABH.

8. **Review of Private Hire and Hackney Carriage Drivers' Licences – Mr NH**

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 NH, in the light of the information contained in the report submitted.

Mr NH was in attendance at the meeting, together with his Solicitor, Mrs Jenkins and two supporters.

It was reported that the Police Officer who had given evidence in relation to the case was unable to attend the hearing due to other work commitments. Mrs Jenkins made representations to the Committee and requested that the hearing take place in the absence of the witness. The Committee considered the representations made during the meeting and determined that it was crucial that the witness was present

In view of the non-attendance of the witness, it was

Resolved

That consideration of the review of the private hire and hackney carriage drivers' licences issued to Mr NH be deferred to the next meeting of the Committee.

9. **Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr MS**

A report of the Director of Corporate Resources was submitted on an application made on behalf of Mr MS for the grant of private hire and hackney carriage drivers' licences in the light of the information contained in the report submitted.

Mr MS was in attendance at the meeting, together with a supporter and responded to numerous questions asked by the Committee in relation to the circumstances surrounding the offence.

Mr MS 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 private hire and hackney carriage drivers' licences to Mr MS for a period of three months and that the next application for renewal of the licences be referred to the Committee for determination.

At this juncture, Councillor C Elcock withdrew from the meeting.

10. **Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr KW**

A report of the Director of Corporate Resources was submitted on an application made on behalf of Mr KW for the grant of private hire and hackney carriage drivers' licences in the light of the information contained in the report submitted.

Mr KW was in attendance at the meeting, together with two supporters.

It was noted that Mr KW had passed tests for local knowledge and law pertaining to private hire and hackney carriage and that his medical test in relation to drugs and alcohol had returned and had been negative.

Mr KW 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 private hire and hackney carriage drivers' licences to Mr KW for a period of three months and that the next application for renewal of the licences be referred to the Committee for determination.

11. **Grant of Private Hire Driver's Licence – MR MS**

A report of the Director of Corporate Resources was submitted on an application made on behalf of Mr MS for the grant of a private hire driver's licence in the light of his failure to pass, on three separate occasions, his test for local knowledge and the law pertaining to private hire.

Mr MS was in attendance at the meeting, together with two supporters and responded to questions asked by the Committee. They were also informed 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 MS be given a further opportunity to take his local knowledge and law pertaining to private hire tests.

The meeting ended at 7.00 pm.

CHAIR

ERNEST STEVENS TRUSTS MANAGEMENT COMMITTEE

Monday, 28th April, 2014 at 6.00 p.m.
Wollescote Hall, Stevens Park, Wollescote Road, Stourbridge

PRESENT

Councillor Cowell (Chair)
Councillor Hanif (Vice-Chair)
Councillors Kettle, Partridge, Mrs Rogers and Sykes

OBSERVER

Councillor Elcock

OFFICERS

Assistant Director of Corporate Resources (Law and Governance) – Lead Officer to the Committee, Interim Principal Lawyer, Solicitor, Property Surveyor, Group Accountant, Principal Accountancy Assistant and the Democratic Services Manager (Directorate of Corporate Resources).

18 **APOLOGY FOR ABSENCE**

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

19 **APPOINTMENT OF A SUBSTITUTE MEMBER**

It was reported that Councillor Kettle was serving in place of Councillor C Wilson for this meeting of the Committee.

20 **DECLARATIONS OF INTEREST**

Declarations of interests, in accordance with the Members' Code of Conduct, were made by the following Members:

Councillors Cowell and Hanif – Non-pecuniary interests as Trustees of Mary Stevens Hospice.

Councillor Sykes – Non-pecuniary interest as she knew the Chairman of the Teutoburger Wald Group referred to in Agenda Item No. 7 (Mary Stevens Park War Memorial).

Councillor Mrs Rogers – Non-pecuniary interest 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.

21 MINUTES

RESOLVED

That the minutes of the meeting held on 3rd February, 2014 be approved as a correct record and signed.

22 TRUST LAND WITHIN DUDLEY

The Committee considered a report of the Director of Corporate Resources on land that was subject to registration at the Charity Commission and other trust land within the Borough. The Council, at its meeting on 2nd December, 2013, had extended the terms of reference of this Committee to include all trust land within the Borough.

Specific reference was made in the report to trust land at the following key locations:

King George V Park, Wordsley
Homer Hill Recreation Ground, Cradley
Swinford Common, Stourbridge
Land known as Sedgley Beacon, Sedgley
Land at Marsh Park, North Street/Church Street, Brierley Hill
Pens Meadow School (Wordsley Hospital)
Land at Dudley Wood, Dudley Wood Avenue/Newtown
Woodside Library
Clayton Playing Fields, Coseley
Richardson Hall, Wordsley
Bernard Oakley Memorial Gardens, Halesowen
Mary Stevens Park, Stourbridge
Wollescote Hall, Stourbridge
Stevens Park, Quarry Bank
Mary Stevens Maternity Home and Public Park, Stourbridge
King George VI Park, Kingswinford

The Committee noted that other trusts existed in the Borough that were not registered at the Charity Commission, for example, Deeds of Dedication. Following comments by Members, the Assistant Director of Corporate Resources (Law and Governance) agreed to consider whether a further piece of work was required to identify other sites of trust land.

The Interim Principal Lawyer undertook to provide a copy of the 'leading case' referred to in paragraph 4 of the report to Councillor Mrs Rogers.

Reference was made to the financial implications of the report, which indicated that the Committee was responsible for administering the financial affairs of the Ernest Stevens Trusts. The Group Accountant undertook to clarify as to whether this should be extended to cover the financial affairs of other Trusts given the wider remit of the Committee, in particular the Bernard Oakley Trust.

A copy of the revised terms of reference would be provided to all Members of the Committee.

A query was also raised concerning charges for events in the parks covered by the Ernest Stevens Trusts, particularly restrictions prohibiting charges for children. This would be monitored in relation to future events.

In response to a question from a Member, Officers present at the meeting indicated that they were not aware of any plans to sell any of the land referred to in the report. It was noted, however, that consideration was being given to issues concerning caretakers houses in some parks.

The Committee was advised that any proposals affecting land registered with the Charity Commission would need to be considered by the Council as the trustee in the first instance. An application would then have to be made to the Charity Commission if any proposals were made that were contrary or required amendments to the original trust documents.

RESOLVED

That the report be noted.

23

ERNEST STEVENS TRUST – MARY STEVENS CENTRE - LEASING ARRANGEMENTS

The Committee considered a report of the Director of Corporate Resources outlining the leasing arrangements for Mary Stevens Centre and proposing revised arrangements for future lettings to more clearly show the support given to the occupiers of the building.

The report indicated that the existing arrangements for lettings on a peppercorn basis did not show the value of the asset or the level of aid given by the Council to the various organisations. It was therefore proposed to grant all future leases at a market rent and to grant aid the rent back to the organisations concerned, subject to the tenant delivering agreed outcomes. This was in line with the Council's community asset transfer policy. It was also suggested that the revised arrangements would more accurately reflect the social value of the services provided by the organisations occupying the buildings.

A number of concerns were expressed about the proposals, in particular the process for measuring the agreed outcomes; ongoing responsibility for grounds maintenance; a potential conflict with the original deed of gift and issues concerning the condition of the buildings and the need for the Committee, as trustees, to be aware of any required repairs.

Following a discussion, the recommendation in the report was put to a vote and it was

RESOLVED

That the revised arrangements to grant future leases on market rental terms including a contribution for repairs and maintenance, as referred to in the report, be approved; that grant aid be subject to the tenant delivering agreed outcomes in line with the Council's community asset transfer policy; and that all other terms and conditions be negotiated by the Director of Corporate Resources.

(Councillors Kettle and Mrs Rogers voted against the above resolution and asked that their names be so recorded).

24

MARY STEVENS PARK WAR MEMORIAL

The Committee considered a report of the Director of Corporate Resources on proposals from the Teutoburger Wald Group concerning the addition of the names of a further 26 casualties of World War 2 to the war memorial in Mary Stevens Park. The additional named casualties were from the Lye and Wollescote, Stourbridge area.

The Chairman of the Teutoburger Wald Group, Mr Raymond Griffiths, was present at the meeting and addressed the Committee. An approach had been made to the Council to add the names to the memorial on a purpose-made plaque at an estimated cost of £4,630. The Council had responded favourably to the request subject to the submission of suitable details of design and positioning.

The Committee supported the project and made reference to an application for Community Forum funding to undertake the necessary works.

RESOLVED

That the proposed project be supported and that the thanks of the Committee be extended to Mr Griffiths and the Teutoburger Wald Group for their ongoing work.

Further to Minute No. 15 of the meeting of the Committee held on 3rd February, 2013, a report of the Director of Corporate Resources was considered on a grant application from the Friends of Swan Pool Park. The application was for £5,000 towards a project to provide a youth shelter and up to six benches in various locations.

The Committee had previously supported the application in principle but deferred the consideration of a grant for further information on the outcome of applications for finance from other sources. Discussions were taking place between the Treasurer of the Friends of Swan Pool Park and the Council in relation to better value for money that could be obtained if the furniture was purchased from Dudley MBC.

On 30th January, 2014, the Norton, Pedmore and Stourbridge East, Wollaston and Stourbridge Town Community Forum had recommended an allocation of £5,000 towards the project. The total project cost was £12,700. It was confirmed that the grant application made to this Committee did not duplicate the funding allocation from the Community Forum. An application had also been made to the Margaret Westwood Trust for £1,000, the outcome of which would not be known until July, 2014. The Friends of the Park had requested the Committee to reconsider the application to enable the improvement works to commence.

It was suggested that the grant application form should be amended in future to ensure that applicants clearly identified the amounts they had applied for from the various funding sources.

Councillor Elcock attended the meeting and addressed the Committee in support of this application.

Following a discussion, it was

RESOLVED

That a grant of £2,500 from the Stevens Park and Recreation Ground Foundation Trust be made to the Friends of Swan Pool Park towards the project for the provision of a youth shelter and a selection of benches to be placed at various locations within the Park.

MEETING DATES FOR THE 2014/15 MUNICIPAL YEAR

The following provisional dates for future meetings of the Committee were noted (all 6.00pm - subject to confirmation at the annual meeting of the Council on 5th June, 2014):

- 21st July, 2014
- 27th October, 2014
- 5th February, 2015
- 20th April, 2015

COUNCILLOR COLIN WILSON

It was noted that Councillor Colin Wilson would not be seeking re-election in the Pedmore and Stourbridge East ward at the municipal elections on 22nd May, 2014.

The Committee expressed thanks to Councillor Wilson for his past work in connection with the Ernest Stevens Trusts and wished him all the best for the future.

Members also thanked the officers for the reports submitted to this meeting.

The meeting ended at 7.50 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 Brierley Hill
Date of Decision 11 April 2014

Reference DUE/19/2014

Allocation of new road name off Audnam, Stourbridge

1.1 That the road identified on plan no. T&T/D/RN/194 be named 'Butterfly Mews'.

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 St James's
St Thomas's
Date of Decision 11 April 2014

Reference DUE/17/2014

Modification of the Highway and Traffic Regulation Orders to permit two way traffic to utilise King Street between its junction with New Mill Street/Union St

That Highway and Traffic Regulation Orders be modified to permit two way traffic to utilise King Street between its junction with New Mill Street/Union Street and Flood Street/Hall Street

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 Brierley Hill
Date of Decision 11 April 2014

Reference DUE/18/2014

Allocation of new road name off Brettell Lane, Brierley Hill

1.1 That the roads identified on plan no. T&T/D/RN/195 be named 'Brythill Drive' and 'Whitworth Close'.

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 St James's
Castle & Priory
St Thomas's
Netherton, Woodside &
St.Andr
Brockmoor & Pensnett
Coseley East

Date of Decision 11 April 2014

Reference DUE/20/2014**Unopposed Traffic Regulation Orders in Central Dudley**

- 1.1 That the unopposed sections of the following advertised Orders are introduced as an Order in part.
- 1.2 The Borough Council of Dudley (Various Streets in Dudley) (One Way Traffic, Prohibition of Driving, Prohibition of Driving Except for Loading and Unloading) (No 5 and 6 Order Types) (Central Dudley and Northern Dudley area) Order 2013
- 1.3 The Borough Council of Dudley (Central Dudley Traffic) (Prohibition and Restriction of Waiting and Parking Places) (No 5 and 6 Order Types) (Central Dudley and Northern Dudley area) Order 2013.

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 Upper Gornal & Woodsetton

Date of Decision 25 April 2014

Reference DUE/22/2014**Safer Routes to School Scheme for Bramford Primary School, including 20mph Speed Limit Order in Park Road, Woodsetton**

- 1.1 That the Safer Routes to School scheme for Bramford Primary School, including the Borough Council of Dudley (Park Road, Woodsetton) (20mph Speed Limit) Order 2014, be implemented as advertised.

6.**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** Halesowen North**Date of Decision** 25 April 2014**Reference** DUE/23/2014**Allocation of new road name off Narrow Lane, Halesowen**

1.1 That the road identified on plan no. T&T/D/RN/196 be named 'Hay Barn Close'.

7.**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** Sedgley**Date of Decision** 21 May 2014**Reference** DUE/24/2014**Safer Routes to School Scheme for The Dormston School and Queen Victoria Primary School, including 20mph Speed Limit Order in Bilston Street/School Street.**

That the Safer Routes to School Scheme for The Dormston School and Queen Victoria Primary School, including the Borough Council of Dudley (Bilston Street and School Street, Sedgley) (20mph Speed Limit) Order 2014, be implemented as advertised.

8.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Khurshid Ahmed**Authorised By** Cllr Khurshid Ahmed, Cabinet Member for Transport**In Consultation With** John Millar, Director of the Urban Environment**Ward(s) Affected** Brierley Hill**Date of Decision** 21 May 2014**Reference** DUE/25/2014**Allocation of new road name off Delph Road, Brierley Hill.**

1.1 That the road identified on plan no. T&T/D/RN/197 be named 'Bottle Kiln Rise'.

9.**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** 21 May 2014**Reference** DUE/26/2014**Local Safety Schemes, Safer Routes to School and Pedestrian Programmes for 2014/2015**

1.1 That the 2014/15 locations for measures as part of the Local Safety Schemes, Safer Routes to School and Pedestrian Programme, attached as Appendices A and B, be developed and taken forward for consultation.

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, be reported back to the Cabinet Member for Transportation through the Decision process.

10.**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** Quarry Bank & Dudley Wood**Date of Decision** 06 June 2014**Reference** DUE/27/2014**Safer Routes to School Scheme for Quarry Bank Primary School, including 20mph Speed Limit Order in High Street/Sheffield Street/Woodland Avenue and Queen Street**

1.1 That the Safer Routes to School Scheme for Quarry Bank Primary, including the Borough Council of Dudley (High Street/Sheffield Street/Woodland Avenue and Queen Street, Quarry Bank) (20mph Speed Limit) Order 2014, be implemented as advertised.

11.**Delegated Decision Summary****Exempt**
Yes No
 Decision Made By Councillor Tim Crumpton**Authorised By** Councillor Tim Crumpton, Children's Services and Lifelong Learning**In Consultation With** Pauline Sharratt, Interim Director of Children's Services**Ward(s) Affected** All**Date of Decision** 09 April 2014**Reference** DCS/18/2014**Review of current hourly rate of Funding for 3 and 4yr old free entitlement & existing Early Education Funding rate for disadvantaged 2yr old free entitlement**

1.It is proposed to increase the hourly rate by 7 pence per hour for all providers of maintained nursery classes and the PVI sector, for provision of the free entitlement for 3 & 4yr olds, which is in line with a 2% inflationary increase for 2014/15.

2.It is proposed that for 2014/15, funding for free targeted early education for disadvantaged two year olds continues at an hourly rate of £4.50 and that the remaining £0.39 per hour received continues to be retained centrally to provide additional support through family support workers in Children's Centres.

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 Pauline Sharratt, Interim Director of Children's Services
Ward(s) Affected
Date of Decision 16 April 2014 **Reference** DCS/21/2014

Increase to charges for Summer Adventure Weeks at Astley Burf Outdoor Adventure Centre

To increase the price paid for attending a Summer Adventure Week at Astley Burf Outdoor Adventure Centre by 2%, from £275.00 to £280.00 per child for a Monday to Friday fully residential visit.

The price includes transport to and from Astley Burf from Saltwells EDC and any transportation necessary to undertake the offsite activities. Also included in the cost is the accommodation and all meals/snacks whilst on site. There are a full range of activities available such as archery, canoeing, climbing Wall, mountain biking, horse riding, swimming and all arts and crafts and these are all included in the price.

13.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Councillor Tim Crumpton
Authorised By Councillor Tim Crumpton, Children's Services and Lifelong Learning
In Consultation With Pauline Sharratt, Interim Director of Children's Services
Ward(s) Affected All
Date of Decision 28 April 2014 **Reference** DCS/20/2014

Dudley Schools Forum School Member Appointment

In respect of Dudley Schools Forum, to approve the appointment of four Schools' Member Governors from 1 May 2014.

14.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Councillor Tim Crumpton
Authorised By Councillor Tim Crumpton, Children's Services and Lifelong Learning
In Consultation With Pauline Sharratt, Interim Director of Children's Services
Ward(s) Affected Kingswinford North &
WallHeath
Kingswinford South
Wordsley
Date of Decision 28 April 2014 **Reference** DCS/22/2014

New Instrument of Government for The Crestwood School

To approve the sealing of a new Instrument of Government for The Crestwood School

15.**Delegated Decision Summary****Exempt**
Yes No
 Decision Made By Councillor Tim Crumpton**Authorised By** Councillor Tim Crumpton, Children's Services and Lifelong Learning
Iain Newman, Treasurer**In Consultation With** Councillor David Sparks, Cabinet Member for Policy and Leader of the
Pauline Sharratt, Interim Director of Children's Services**Ward(s) Affected** Brockmoor & Pensnett
Brierley Hill**Date of Decision** 13 May 2014**Reference** DCS/23/2014**16-19 Demographic Growth Capital Fund 2013-15. The Creation of a Post 16 provision for Learners**

Submission of A Revised Bid to the Education Funding Agency for An Allocation from the Demographic Growth Capital Fund For the Provision of a Post 16 Facility for Learners With Learning Difficulties and/or Disabilities For Pens Meadow School.

a) That the Interim Director of Children's Services be authorised to submit a revised proposal seeking capital funding for the growth and development of improved Post 16 provision for young people who have learning difficulties and/or disabilities.

b) Subject to the bid being successful, include the project for the provision of a Post 16 Facility for Learners With Learning Difficulties and/or Disabilities For Pens Meadow School from the Demographic Growth Capital Fund in the Capital Programme;

16.**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** Andrea Pope-Smith, Director of Adult, Community and Housing Services**Ward(s) Affected** Brockmoor & Pensnett**Date of Decision** 22 May 2014**Reference** DACHS/004/2014**The DACHS ACL Team deployment of learning provision at Pensnett NLC**

Approval for the DACHS Adult & Community Learning (ACL) Team to relocate the delivery of adult and community learning provision from Pensnett Neighbourhood Learning Centre, Tiled House Lane, to alternative community and school venues in the ward.

17.**Delegated Decision Summary****Exempt**
Yes No
 Decision Made By Councillor Tim Crumpton**Authorised By** Councillor Tim Crumpton, Children's Services and Lifelong Learning**In Consultation With** Pauline Sharratt, Interim Director of Children's Services**Ward(s) Affected** All**Date of Decision** 09 June 2014**Reference** DCS/24/2014**New Instrument of Government for Dawley Brook Primary School**

To make, by sealing, a new Instrument of Government for Dawley Brook Primary School

18.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Councillor Tim Crumpton
Authorised By Councillor Tim Crumpton, Children's Services and Lifelong Learning
In Consultation With Pauline Sharratt, Interim Director of Children's Services
Ward(s) Affected All
Date of Decision 09 June 2014 **Reference** DCS/25/2014

New Instrument of Government for Hurst Hill Primary School

To make, by sealing, a new Instrument of Government for Hurst Hill Primary School

19.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Councillor Tim Crumpton
Authorised By Councillor Tim Crumpton, Children's Services and Lifelong Learning
In Consultation With Pauline Sharratt, Interim Director of Children's Services
Ward(s) Affected All
Date of Decision 18 June 2014 **Reference** DCS/26/2014

Extension of Framework contracts for purchase of Independent sector Children's Homes Placements, Fostering Placements & agreement to participate in negotiation

Decision 1. Agreement to extend the Sub Regional Framework Contract for Fostering by twelve months until 31st March 2015 and the Regional Framework Contract for Children's Homes by six months until 8th November 2014
2. Agreement for named individuals to participate in the development of new Framework Contracts to replace the existing ones.

20.**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 Andrea Pope-Smith, Director of Adult, Community and Housing Services
Ward(s) Affected All
Date of Decision 24 June 2014 **Reference** DACHS/006/2014

Proposal for ACL Team Fees and charges 2014/15 from 1/8/14

To approve ACL Team Fees and Charges 2014/15 from 1/8/14

21.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Rachel Harris**Authorised By** Councillor Rachel Harris, Cabinet member for Human Resources, Legal,**In Consultation With** John Millar, Director of the Urban Environment**Ward(s) Affected** All**Date of Decision** 11 June 2014**Reference** DUE/28/2014**Appointment of Laura Fisher, Principal Trading Standards Officer as the Council's Chief Inspector of Weights and Measures and Christopher King, Principal Tradin**

1.1 To appoint Laura Fisher, Principal Trading Standards Officer, as the Council's Chief Inspector of Weights and Measures and Christopher King, Principal Trading Standards Officer, as the Council's Deputy Chief Inspector of Weights and Measures

22.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Rachel Harris**Authorised By** Councillor Rachel Harris, Cabinet member for Human Resources, Legal,**In Consultation With** Valerie Little, Director of Public Health**Ward(s) Affected** All**Date of Decision** 13 June 2014**Reference** CE/03/2014**Appointment of Proper Officers**

To confirm the appointment of the following persons from the West Midlands West Public Health England Team for the purposes of acting as Proper Officer for the legislation specified in paragraph 4.1, (i) to (iv) inclusive:

- (i) Dr David Kirrage - Unit Director, Consultant in Communicable Disease Control (CCDC)
- (ii) Dr Dan Killalea - CCDC
- (iii) Dr Tina Maddison - CCDC
- (iv) Dr Naveed Syed - CCDC
- (v) Dr James Chipwete – CCDC
- (vi) Dr Jeremy Hawker – CCDC
- (vii) Any other CCDC acting for West Midlands West Public Health England Team
- (viii) Dr Keith Neal- Regional Epidemiologist
- (ix) Dr Tom Fowler- Regional Epidemiologist

1.2 To confirm the appointment of the following persons from the Office of Public Health, Dudley MBC, for the purposes of acting as Proper Officer for legislation specified in paragraph 4.1 (i), (iii) and (iv).

- (i) Dr David Pitches, Consultant in Public Health
- (ii) Dr Mayada Abu-Affan, Consultant in Public Health

23.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Rachel Harris**Authorised By** Teresa Reilly, Assistant Director**In Consultation With** Councillor Rachel Harris, Cabinet member for Human Resources, Legal,**Ward(s) Affected** All**Date of Decision** 24 June 2014**Reference** HOPSS/23/2014**The Recruitment of 3 zero hours Curators within the Halls and Entertainment Section of Culture and Leisure.**

That the Culture and Leisure Division can proceed with the recruitment of 3 additional curators within the Halls and Entertainments Section on a zero hours contract. The posts will be funded from existing budgets and will provide cover for events across the service.

24.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Rachel Harris**Authorised By** Teresa Reilly, Assistant Director**In Consultation With** Councillor Rachel Harris, Cabinet member for Human Resources, Legal,**Ward(s) Affected** All**Date of Decision** 24 June 2014**Reference** HOPSS/24/2014**New post of Catering Assistant at Woodsetton School funded through fee income.**

To create a post of Catering Assistant at Woodsetton School. 12.50 hours per week, 11.00am – 1.30pm, Monday – Friday. Term time only.

25.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Rachel Harris**Authorised By** Teresa Reilly, Assistant Director**In Consultation With** Councillor Rachel Harris, Cabinet member for Human Resources, Legal,**Ward(s) Affected** All**Date of Decision** 26 June 2014**Reference** HOPSS/25/2014**Revision of the Council's Smoke Free Policy**

To accept the revised Smoke Free Policy and implement across the Council from 1st July 2014 in accordance with the Health Act 2006.

26.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Councillor Rachel Harris
Authorised By Teresa Reilly, Assistant Director
In Consultation With Councillor Rachel Harris, Cabinet member for Human Resources, Legal,
Ward(s) Affected All
Date of Decision 26 June 2014 **Reference** HOPSS/26/2014

Review and update of the following policy: Temporary Agency Workers Policy

To agree updates to the current Temporary Agency Workers policy as a result of a review of the policy.

To agree to the policy and procedure being implemented with effect from June 2014.

27.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Councillor Peter Lowe
Authorised By Councillor Peter Lowe, Deputy Leader and Cabinet Member for Finance
In Consultation With Iain Newman, Treasurer
Ward(s) Affected All
Date of Decision 30 May 2014 **Reference** DCR/10/2014

The approval to waive Standing Order No. 9.1

Approval be given to waive standing order 9.1, in respect of a contract for treasury management advice.

28.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Councillor Peter Lowe
Authorised By Councillor Peter Lowe, Deputy Leader and Cabinet Member for Finance
In Consultation With Philip Tart, Director of Corporate Resources
Ward(s) Affected All
Date of Decision 06 June 2014 **Reference** DCR/12/2014

Changes to the Council's Business Rates Discretionary Rate Relief (DRR) Policy.

That the Council's Business Rates Discretionary Rate Relief (DRR) Policy is changed in order to facilitate the award of Reoccupation Relief as recently announced by the Government.

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 11 April 2014 **Reference** DCR/07/2014

Lease of Lye and Wollescote Chapels for Register Office Purposes

That a decision to allow the Registration Service to take a lease on the refurbished Lye and Wollescote Chapels, Cemetery Road, Lye, DY9 2AN be approved.

30.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected Netherton, Woodside & St.Andr
Date of Decision 11 April 2014 **Reference** HOPSS/17/2014

New post of part-time Cashier for school meals at Northfield Road Primary School

To create a post of Cashier at Northfield Road Primary School. 7.5 hours per week, 11.45am – 1.15pm, Monday - Friday. Term time only.

31.**Delegated Decision Summary**Exempt
Yes No

Decision Made By Councillor Gaye Partridge
Authorised By Teresa Reilly, Assistant Director
In Consultation With Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal and
Ward(s) Affected Wollaston & Stourbridge Town
Date of Decision 22 April 2014 **Reference** HOPSS/18/2014

Creation of Casual Catering posts at Crystal Leisure Centre through TUPE of staff from ending an external contract.

Creation of Casual Catering posts at Crystal Leisure Centre through TUPE of staff from ending an external contract for the transfer of the catering operation currently managed by Plyvine Catering Limited ("Plyvine") at the Crystal Leisure Centre to Dudley MBC ("the Council") from 1 April 2014. The 8 catering posts employed by Plyvine under a contract of employment will transfer to the Local Authority under Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

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 23 April 2014 **Reference** HOPSS/19/2014

Creation of New post – Energy Manager (Self funded to deliver budget savings)

To approve the decision to recruit a new post of Energy Manager for the Council, self funded to deliver budget savings.

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 29 April 2014 **Reference** HOPSS/20/2014

Appointment of two permanent Senior Community Alarm Officers

To recruit two permanent Senior Community Alarm Officers that works rotered shifts to support the team leaders in managing the operational 24hour 7 days per week calls handling and response service, providing person centred support and opportunities for people and their carers through Telecare and Telehealth.

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 14 May 2014 **Reference** HOPSS/21/2014

1 fte Admin Assistant 12 month fixed term contract – Adoption in the Black Country; hosted by DMBC and funded by specific Government Grant

To establish 1 Admin Assistant post at Adoption in the Black Country (ABC) to support the regional work in adopter recruitment activity on a 12 month fixed term contract.

35.**Delegated Decision Summary**Exempt
Yes No
 Decision Made By Councillor Gaye Partridge**Authorised By** Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal
Councillor Peter Lowe, Deputy Leader and Cabinet Member for Finance**In Consultation With** Philip Tart, Director of Corporate Resources**Ward(s) Affected** All**Date of Decision** 21 May 2014**Reference** DCR/09/2014**The approval of the Directorate of Corporate Resources Annual Equality Action Plan**That the Directorate of Corporate Resources Annual Equality Action Plan for 2014/15 be approved.

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** All**Date of Decision** 04 June 2014**Reference** DCR/11/2014**Fee Increases for the Directorate of Corporate Resources 2014/15, 2015/16 and 2016/17**That the annual fee increase for Fees within the Directorate of Corporate Resources be approved.

37.**Delegated Decision Summary**Exempt
Yes No
 Decision Made By Teresa Reilly**Authorised By** Teresa Reilly, Assistant Director**In Consultation With** Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal and**Ward(s) Affected** All**Date of Decision** 14 May 2014**Reference** HOPSS/22/2014**Temporary (1 year) Administrative/Clerical Support Assistant (Level 2) funded by HRA**

To recruit two temporary staff on one year contracts to provide administrative & clerical support to the Housing Application Team, funded by HRA.

38.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor David Sparks**Authorised By** Councillor David Sparks, Cabinet Member for Policy and Leader of the**In Consultation With** John Polychronakis, Chief Executive**Ward(s) Affected** All**Date of Decision** 16 June 2014**Reference** CE/04/2014**Funding to Dudley Council for Voluntary Service in 2014/15**

That funding of £160,500 be provided from the Chief Executive's Directorate's budget to Dudley Council for Voluntary Service in 2014/15 and a service level agreement for 2014/15 be entered into with the organisation.

39.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor David Sparks**Authorised By** Councillor David Sparks, Cabinet Member for Policy and Leader of the**In Consultation With** John Polychronakis, Chief Executive**Ward(s) Affected** All**Date of Decision** 16 June 2014**Reference** CE/05/2014**Chief Executive's Directorate's strategic and equality action plans for 2014/15**

That the Chief Executive's Directorate's strategic plan for 2014/15, incorporating the directorate's equality action plan, be approved.

40.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor David Sparks**Authorised By** Councillor David Sparks, Cabinet Member for Policy and Leader of the**In Consultation With** John Polychronakis, Chief Executive**Ward(s) Affected** All**Date of Decision** 16 June 2014**Reference** CE/06/2014**Funding to the Centre for Equality and Diversity in 2014/15**

That funding of £40,400 be provided from the Chief Executive's Directorate's budget to the Centre for Equality and Diversity in 2014/15 and a service level agreement for 2014/15 be entered into with the organisation.

41.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Philip Tart**Authorised By** Philip Tart, Director of Corporate Resources**In Consultation With** Councillor Gaye Partridge, Cabinet Member for Human Resources, Legal and**Ward(s) Affected** Belle Vale**Date of Decision** 06 May 2014**Reference** DCR/08/2014**THE FORMER HUNTINGTREE SONS OF REST, WALL WELL, HALESOWEN**

That the request to transfer land at the former Huntingtree Sons of Rest, Wall Well, Halesowen by way of Community Asset Transfer be approved on terms and conditions to be negotiated and agreed by the Director of Corporate Resources.

42.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Stuart Turner**Authorised By** Councillor Stuart Turner, Cabinet Member for Health and Wellbeing**In Consultation With** John Millar, Director of the Urban Environment**Ward(s) Affected** All**Date of Decision** 14 April 2014**Reference** DUE/21/2014**Staffing Issues at Crystal Leisure Centre**

For the transfer of the catering operation currently managed by Plyvine Catering Limited ("Plyvine") at the Crystal Leisure Centre to Dudley MBC ("the Council") from 1 April 2014. The 8 catering posts employed by Plyvine under a contract of employment will transfer to the Local Authority under Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)

Decision Made By	Councillor Steve Waltho	
Authorised By	Councillor Steve Waltho, Cabinet Member for Housing and Community	
In Consultation With	Andrea Pope-Smith, Director of Adult, Community and Housing Services	
Ward(s) Affected	All	
Date of Decision	16 April 2014	Reference DACHS/003/2014

Housing Assistance Scheme - Thermal Comfort

To approve the following for inclusion in the Thermal Comfort section of the Housing Assistance Scheme:-

12.3(e) insulation to walls and floors.

12.4 Assistance may be in the form of private finance, equity release loans and grants, and will be determined on the following basis:

(a) The applicant will be required to make a contribution towards the cost of the eligible works calculated as 30% of any remaining free equity in the property. Free equity is defined as the value of the property less any outstanding mortgages or loans secured against the property. Where the Local Authority's financial partners, in considering an applicant's ability to finance a loan, determine a lesser amount, then that will be the contribution.

(b) If no equity contribution can be made, then the applicant will be subject to the statutory grant means test as referred to in 8.2b above, which will determine any contribution towards the cost of the eligible works.

12.5 This form of assistance will be limited to one approval per property.

12.6 Assistance will be limited to £10,000 per application and to provide clarity that no assistance is available for redecoration following completion of works.

12.7 The applicant will be required to repay the sum equivalent to any financial assistance received from other sources towards the cost of the works carried out and paid for by the Council, as per the grant approval.

12.8 Applicants for assistance will comply with a condition that they repay any assistance to the Council if the house is sold or otherwise disposed of within a five-year period from the certified date of completion of the works. Any appeals relating to this grant condition are to be made in writing to the Director of Adult, Community and Housing Services and the Lead Member for Housing.

44.**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** 29 April 2014**Reference** CE/02/2014**Procurement of a Domestic Abuse Support Service**

Following a robust tendering process in respect a Domestic Abuse Support Service award the contract for the Domestic Abuse Support Service to Sandwell Women's Aid from 1/7/14 to 31st March 2016 in the first instance.

Due to the tight timescales in respect of implementing the new Domestic Abuse Support Service the Mayor and the Chair of the Corporate Performance Management Efficiency and Effectiveness Scrutiny Committee have agreed to this being treated as an urgent decision to be implemented with immediate effect and not subject to call in procedures.

45.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Councillor Steve Waltho**Authorised By** Councillor Steve Waltho, Cabinet Member for Housing and Community**In Consultation With** Andrea Pope-Smith, Director of Adult, Community and Housing Services**Ward(s) Affected** St Thomas's**Date of Decision** 30 May 2014**Reference** DACHS/005/2014**Lease of 23 Jasmine Road**

That 23 Jasmine Road be leased to St Thomas's Network for the purpose of running "Hillside Herbs" on terms and conditions to be negotiated by the Directorate of Law & Governance.