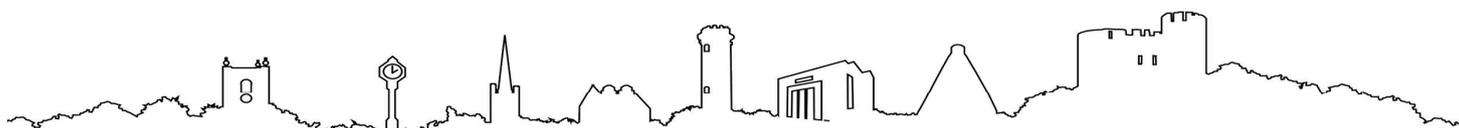


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25th September, 2023 – 14th November, 2023

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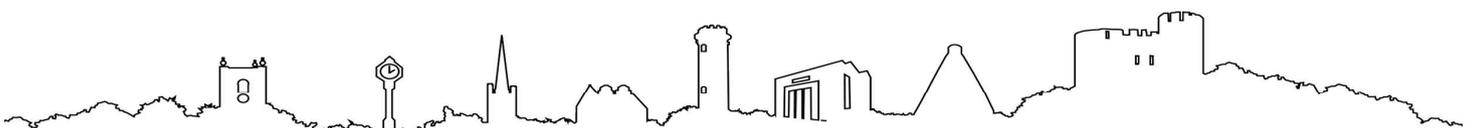
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Minutes of the Cabinet

**Wednesday 25th October, 2023 at 6.00pm
in Committee Room 2 at the Council House,
Priory Road, Dudley**

Present:

Cabinet Members

Councillor P Harley (Leader - Chair)
Councillors P Atkins, I Bevan, R Buttery, Dr R Clinton, M Rogers and
L Taylor-Childs.

Opposition Group Members Nominated to attend the Cabinet

Councillors S Ali, A Aston, J Cowell, J Foster, and P Lowe.

Invitee/Observer

Councillor I Kettle (Chair of Overview and Scrutiny Committee).

Officers

K O'Keefe (Chief Executive), B Heran (Deputy Chief Executive), M Bowsher (Director of Adult Social Care), C Driscoll (Director of Children's Services), K Jones (Director of Housing and Communities), H Martin (Director of Regeneration and Enterprise), I Newman (Director of Finance and Legal), H Mills (Senior Democratic Services Officer) together with other Officers.

L Fulci (Director of Digital, Customer and Commercial Services attended via Microsoft Teams).



28 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors P Bradley, S Clark and D Corfield.

29 **Declarations of Interest**

No interests were declared in accordance with the Members' Code of Conduct.

30 **Minutes**

Resolved

That the minutes of the meeting held on 20th September, 2023 be confirmed as a correct record and signed.

31 **Revenue Monitoring 2023/24**

A joint report of the Chief Executive and the Director of Finance and Legal was submitted on the forecast 2023/24 General Fund revenue outturn position.

The Leader referred to the current financial position of the Council, in that a deficit of £15 million was forecast, as a result in the rise of numbers and cost for social care placements, inflation rates and a reduction in traded services. It was reiterated that Dudley was a low taxing, low spending Council, which had low reserves. It was considered prudent to introduce controls to minimise spending except where an exemption applied. The Cabinet Member for Finance, Legal and Human Resources had written to the Prime Minister outlining the financial difficulties that were being experienced by all authorities and asking for additional support to be provided. The Medium-Term Financial Strategy report that would be submitted to the Cabinet meeting in December, would outline the Council's draft plans to address the deficit and to achieve a sustainable budget.

Members of the Opposition Group expressed concerns regarding the Council's current financial position and referred to the risks that had previously been presented by the Opposition Group during the budget setting process and at the Audit and Standards Committee, which had repeatedly been disregarded.

The Leader, Cabinet Members and Officers responded to detailed questions from Members of the Opposition Group regarding the impact the financial position would have on service delivery; what measures had been implemented and assessments undertaken and how much would be saved as a result; what action had been taken since the authority had received notification of issues highlighted by external auditors in July, 2023; how did the cost of Adult Social Care compare with other Local Authorities and how would the budget constraints affect Care Quality Commissioning outcomes; what was being done to build resilience of permanent staff and the reasoning behind the shortfall in traded services.

In response to comments from the Leader of the Opposition Group (Councillor P Lowe), the Leader of the Council (Councillor P Harley) agreed to share a copy of the letter sent to the Prime Minister and would continue to keep Councillor P Lowe and Councillor S Ali (Opposition Group Spokesperson for Finance and Digital) up to date and involved in the process. The Leader commented that this would be a long-term process. A joint sustainable approach was required to protect services.

Resolved

- (1) That the forecast General Fund revenue outturn position for 2023/24 and the effect on General Balances at 31st March 2024, be noted.
 - (2) That the progress with delivery of savings, as set out in Appendix B to the report, be noted.
 - (3) That the outline of spending controls, as set out in Appendix C to the report, be approved and that authority be delegated to the Chief Executive and the Director of Finance and Legal to refine these controls as required.
-

32 **Capital Programme Monitoring**

The Cabinet considered a joint report of the Chief Executive and the Director of Finance and Legal on proposed amendments to the Capital Programme.

Resolved

That the Council be recommended:-

- (1) That the additional budget for the next allocation of UK Shared Prosperity Funding spend and grant income of £469,000, as set out in paragraph 4 of the report, be approved and included in the Capital Programme.
- (2) That the property occupied by Homescene be acquired under the authority delegated in 2021, as set out in paragraph 5 of the report.
- (3) That authority be delegated to the Chief Executive, following consultation with the Leader, to consider the outcome of the viability assessment and to determine whether to proceed to the economic assessment and that authority be delegated to the Director of Finance and Legal to amend the budget if this is the case, as set out in paragraph 6 of the report.

33 **10 Year Business Rates**

A report of the Director of Finance and Legal was submitted on the key terms agreed with Government relating to the opportunity to retain 100% of regional Business Rates for the next 10 years.

Resolved

- (1) That the performance of the West Midlands 100% Business Rates Retention pilot be noted.

- (2) That the Memorandum of Understanding (MoU) with Government regarding the offer of 10-year, 100% Business Rate Retention for the West Midlands, in accordance with the Trailblazing Devolution Deal, be approved.
-

34 **2023/2024 Housing Revenue Account Forecast Outturn**

The Cabinet considered a joint report of the Director of Housing and Communities and the Director of Finance and Legal on the latest revenue outturn for the Housing Revenue Account (HRA) for 2023/24.

The Cabinet Member for Housing and Safer Communities and the Director of Housing and Communities responded to questions raised at the meeting concerning the impact the spending control restrictions, in terms of the termination of existing interim and agency staff contracts, would have on housing services; information on the latest estimated costs payable to Savills for ongoing works associated with the Stock Condition Survey and the impact the current financial situation would have on the implementation of Community Hubs.

Resolved

That the latest Housing Revenue Account outturn forecast for 2023/24, as set out in paragraph 6 and Appendix 1 of the report, be noted.

35 **Dudley Local Plan**

The Cabinet considered a report of the Director of Regeneration and Enterprise on the Draft Dudley Local Plan, which summarised the implications of the plan for Dudley and outlined the proposed consultation process and next steps for the plan preparation.

The Leader responded to questions raised at the meeting in relation to the omission of healthcare provisions from the plan, the reasons as to why proposed developments were based around Castle Street as opposed to Hall Street and the lack of ambition to develop more affordable housing in excess of the 20% target.

Resolved

- (1) That the Draft Dudley Local Plan (as set out in Appendix 1a and 1b), the Draft Dudley Plan Policies Map (as set out in Appendix 2), the Sustainability Appraisal Reports (as set out in Appendix 3), and the Habitats Regulation Assessment (HRA) (as set out in Appendix 4) for consultation during November/December 2023, be approved.
- (2) That authority be delegated to the Director of Regeneration and Enterprise, following consultation with the Leader (Cabinet Member for Policy) and the Deputy Leader (Cabinet Member for Communities and Economic Delivery), to make any non-substantive changes considered necessary to the Draft Dudley Local Plan, Dudley Plan Policies map, Sustainability Assessment and HRA prior to commencement of the consultation process.
- (3) That authority be delegated to the Director of Regeneration and Enterprise, following consultation with the Leader (Cabinet Member for Policy) and the Deputy Leader (Cabinet Member for Communities and Economic Delivery), to agree the arrangements for a six-week consultation period.
- (4) That a further report summarising key issues raised during the consultation, to inform preparation of the next stage of the Plan – Regulation 19 Publication Plan, be submitted to a future meeting of the Cabinet.

36 **Black Country Local Nature Recovery Map and Strategy**

A report of the Director of Regeneration and Enterprise was submitted on the Black Country Local Nature Recovery Map and Strategy, to ensure that the Council's emerging Local Plan and planning decision making was based on up-to-date evidence and could continue to be used as the basis of robust and defensible planning decisions.

Resolved

That the Black Country Local Nature Recovery Map and Strategy, as set out in Appendix 1 to the report, for planning purposes, including strategic delivery of biodiversity net gain in Dudley, be approved and adopted.

37 Dudley MBC responses to Duty to Co-operate Correspondence with Sandwell Council

The Cabinet considered a report of the Director of Regeneration and Enterprise on a proposed response to Sandwell Council's Duty to Co-operate (DtC) correspondence, to ensure that the Council fulfilled its legal obligations under the DtC and that the interests of Dudley Borough were being fully considered in the plan-making of other local authorities.

Resolved

That the proposed Dudley Council response to Sandwell Council's Duty to Co-operate letter, as set out in Appendix 1 to the report, be noted and endorsed.

38 Issues arising from Overview and Scrutiny Committee and Select Committees

The Chair of the Overview and Scrutiny Committee (Councillor I Kettle) referred to the Quarter 1 Performance Report which was considered at the Overview and Scrutiny Committee on 19th October, 2023, in particular Performance Indicator PI 1447 - % of agency social workers (children's). The figures for the first quarter showed 26.6% agency staff were employed against a target of 15%, and although it was acknowledged that these figures may not fully reflect the current position as figures given were to the end of June, 2023 and management actions had been implemented to address issues since this date, Councillor I Kettle sought assurance that the ongoing issues were being addressed.

The Director of Children's Services gave an analysis of the long-standing workforce challenge with the key point being the safeguarding duty of the local authority. Whilst it was acknowledged that considerable progress had been made regarding recruitment, assurance could not be made that agency staff would not be used in the foreseeable future.

39 **Questions from Members to the Leader (Cabinet Procedure Rule 2.5)**

No questions were raised under this agenda item.

The meeting ended at 7.06pm

LEADER OF THE COUNCIL

**Minutes of the Overview and Scrutiny Committee
19th October, 2023 at 6.00pm
In Committee Room 2, The Council House, Priory Road, Dudley**

Present:

Councillor I Kettle (Chair)
Councillor M Hanif (Vice-Chair)
Councillors S Ali, H Bills, A Davies, K Denning, P Dobb, J Foster, E Lawrence
and D Stanley.

Officers:

C Driscoll (Director of Children’s Services), K Jones (Director of Housing and
Communities), G Simpson (Intelligence Manager – Public Health and Wellbeing
Directorate) and S Griffiths (Democratic Services Manager).

Officers attending on Microsoft Teams

B Heran (Deputy Chief Executive), N McGurk (Acting Service Director –
Environment Directorate) and C Blunn (Corporate Performance Manager)

8 Apologies for Absence

Apologies for absence were received on behalf of Councillors J Clinton and
E Taylor.

9 Appointment of Substitute Member

Councillor K Denning had been appointed as a substitute Member for
Councillor E Taylor for this meeting of the Committee only.

10 **Declarations of Interest**

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

11 **Minutes**

Resolved

That the minutes of the meeting held on 12th June, 2023 be confirmed as a correct record and signed.

12 **Public Forum**

No issues were raised under this agenda item.

13 **Overview and Scrutiny Arrangements 2023/24**

Further to Minute No. 5 of the meeting held on 12th June, 2023, a report of the Lead for Law and Governance was submitted on the ongoing development of the Council's Overview and Scrutiny Arrangements for 2023/24.

The Committee was requested to consider the following issues:

Scrutiny Call-In

Guidance had been issued by the Centre for Governance and Scrutiny and it was noted that the process for dealing with scrutiny call-ins was a matter of local choice. Options were presented for consideration by the Committee.

Quarterly Performance Reports

The Overview and Scrutiny Committee would receive quarterly performance reports in line with its terms of reference. This did not, however, preclude performance reports from being considered by individual Select Committees.

Budget Scrutiny

The Overview and Scrutiny Committee had overall responsibility for scrutiny of the Council's budget. Reports on the budget proposals would, however, be submitted to individual Select Committees during the January, 2024 cycle of meetings.

Health Scrutiny

The Public Health Select Committee had a remit to scrutinise functions relating to the improvement of local health and associated services. This was not limited to the Public Health functions of the Council. To reflect this wider remit, the Committee would be redesignated as the Health Scrutiny Committee.

The Committee raised no objections to the proposals in the report concerning quarterly performance reports, budget scrutiny or health scrutiny.

A detailed discussion took place concerning the options for determining scrutiny call-ins. Reference was made to the recent Local Government Association (LGA) Peer Review of Dudley Council. It was considered appropriate to defer this specific issue pending receipt of the report and any recommendations from the LGA relating to overview and scrutiny. The Chair undertook to arrange for the LGA Peer Review report to be considered by this Committee as soon as possible following its publication.

Resolved

- (1) That consideration of the options for determining scrutiny call ins be deferred and that this matter be considered at a further meeting of this Committee following the publication of the LGA Peer Review Report.
- (2) That revised versions of Article 6 of the Constitution and the associated Overview and Scrutiny Procedure Rules be submitted to the Council as part of the Annual Review of the Constitution.

14 **Dudley Economy**

A report of the Acting Director of Public Health and Wellbeing was submitted on an overview of Dudley's economy as at mid-year 2023.

The Intelligence Manager gave a detailed presentation to Members and copies of the presentation slides had been circulated to the Committee.

The Committee expressed thanks for the presentation and recognised that the information was complex, however, this demonstrated a level of resilience in the Dudley economy. The information would form a context for future decisions and assist Members in undertaking their overview and scrutiny role.

Councillor A Davies commented that the data provided by the Office for National Statistics may not fully reflect the impact of recent interventions. Further information was requested on positive actions being taken by the local authority to support local companies. The Intelligence Manager undertook to raise this with the Economic Intelligence Unit.

Councillor J Foster commented on the contribution of the local authority to the local economy. Reference was made to inclusive growth and regeneration, as it was important to consider both the contribution of the local authority, and the activities of local businesses, to support the authority and local people as a contribution to overall economic success.

Councillor D Stanley referred to the need to fill empty units in Town Centres and across the Borough. In this regard, all opportunities should be taken to encourage businesses and attract investment. Reference was made to Business Improvement Districts (BIDs).

Councillor M Hanif supported the above comments and queried the number of jobs affected by the information referred to on the slide in the presentation titled 'new economic shock'.

Councillor K Denning referred to accessibility issues with the reports and presentation to the Committee. The Intelligence Manager acknowledged these points and would consider this further in the presentation of dashboarding and performance data.

Councillor H Bills referred to the success of the Halesowen Business Improvement District (BID), the positive effects on other local areas and support for extending this approach to other parts of the Borough. The Deputy Chief Executive referred to ongoing activity within Regeneration and Enterprise concerning the BID Programme and a further report would be submitted to Members.

Councillor S Ali referred to the need for Officers to work closely with Ward Councillors at the earliest stage to support initiatives including the improvement of education standards, training and skills. The Deputy Chief Executive indicated that Officers in Regeneration and Enterprise would report further on issues concerning skills and growth.

Councillor D Stanley referred to the condition of pavements and the need to make improvements, including dealing with litter and rubbish, to attract people into the Town Centre

Councillor J Foster again referred to the issue of inclusive growth and suggested that it would be helpful to receive future presentations from the Intelligence Manager together with the Head of Economic Growth and Skills.

The Deputy Chief Executive indicated that further updates would be given on major regeneration innovations in the Borough and inclusive skills development. It was acknowledged that Members required early updates on matters affecting their wards.

Councillor J Foster referred to the ongoing work of the Corporate and Economic Strategy Select Committee and the need to focus on how the inclusive growth approach could benefit other areas, not just the recognised Town Centres.

Councillor A Davies referred to the employment status graph in the presentation and requested that future reports contain a national comparator regarding the employment sectors.

Councillor K Denning commented positively on the restoration works to the Plaza Malls building in Dudley Town Centre, the growth of units in the building and the associated heritage value. Councillor D Stanley indicated that the owners of some premises had refused approaches to undertake similar works.

The Chair thanked the Intelligence Manager for the presentation and noted that the information promoted a wider understanding of all the complex issues affecting the local economy, together with recognition of the ongoing activity to enhance the quality of life for people in the Borough.

Resolved

That the report and presentation be noted and that further reports be presented to Members in due course.

15 **Corporate Quarterly Performance Report – Quarter 1 (1st April to 30th June, 2023)**

A report of the Chief Executive was submitted on the Quarter 1 Corporate Quarterly Performance report covering the period 1st April to 30th June, 2023.

The Committee considered the report and the following points were made during the discussion:

- Councillor J Foster expressed the view that it was important for this Committee to have an overview of the corporate report, however, any areas of significant or consistent under-performance should be referred for detailed consideration by the relevant Select Committee. There was a need for this Committee to be assured that issues were addressed with outcomes being reported accordingly.
- The Chair noted that the information presented for the first quarter may not represent the current position due to the implications of subsequent budget decisions. Any areas of under-performance could be brought to the attention of the Leader or Cabinet Members.
- Councillor E Lawrence indicated that issues concerning highway safety inspections (PI 2383) were being considered by the Highways and Environment Services Select Committee.
- Councillor A Davies stated that considerable work was in progress to address challenges in relation to housing and these would be discussed by the Housing and Safer Communities Select Committee.
- Councillor D Stanley referred to PI 1899 concerning rent loss and the need to include a monetary value along with the percentage figure. The Director of Housing and Communities clarified that this was a national indicator and acknowledged the need for action to reduce rent loss.

- With reference to PI 1447 – % of agency social workers (children’s), the Director of Children’s Services gave a detailed analysis of this long-standing workforce challenge. Reference was made to the importance of safeguarding, the ongoing redesign of Children’s Services and changes in definitions that affected the figures. It was noted that the agency figure had reduced to 18% by the end of September, 2023. Reference was made to recruitment and retention challenges, including support to newly qualified staff. The current number of Looked After Children was 587 and keeping children safe was the key priority. It was noted that the Children’s Services Select Committee also continued to challenge detailed performance information at their meetings.

The Chair undertook to highlight this issue to the Cabinet and seek further assurances that the ongoing issues were being addressed.

- Regarding highway safety inspections (PI 2383), the Acting Service Director gave an analysis of the actions being taken and noted that these issues were being considered in detail by the Highways and Environment Services Select Committee. Members acknowledged that the backlog of work was impacted by the availability of resources for highway maintenance and associated issues. Councillor S Ali stated that a focus should be given to areas and wards with the greatest need and action was necessary to improve response times.
- Councillor H Bills referred to the use of quad bikes to improve weed control and requested a report on the effectiveness of this method of operation. Councillor P Dobb reported that this was a planned agenda item for the Climate Change Select Committee in January, 2024.
- The Corporate Performance Manager reminded the Committee of the offer of performance training for Members to be provided by the Local Government Association.

Resolved

- (1) That, subject to the specific points noted above, the Quarter 1 Corporate Quarterly Performance report and service summary sheets, covering the period 1st April to 30th June, 2023, be noted.
- (2) That the performance framework that has been embedded and adhered to across the organisation be noted.

- (3) That the corporate key performance indicators agreed in June, 2023 to be monitored and reported against the Council Plan for 2023/24, be noted, together with the benchmarking exercise as referred to in the report.
 - (4) That the alignment of this report with the Directorate dashboards, in accordance with previous feedback from Members, be noted.
 - (5) That the refresh of the Council Plan be noted.
-

16 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 8.50pm

CHAIR

Minutes of the Corporate and Economic Strategy Select Committee

**Thursday, 2nd November 2023 at 6.00 pm
In Committee Room 2, The Council House, Dudley.**

Present:

Councillor D Stanley (Chair)
Councillor S Henley (Vice-Chair)
Councillors J Foster, E Lawrence, W Little, S Mughal, N Neale, C Reid, and P Sahota

Officers:

C Blunn (Corporate Performance Manager), F Parrett (Head of Commercial) S Haycox (Corporate Performance Support) and K Buckle (Democratic Services Officer).

Invitee:

P Atkins (Cabinet Member for Corporate Strategy)

Also in Attendance:

M James (Commercial Manager) - Observer

26 **Opening Remarks of the Chair**

The Chair welcomed those present to the meeting including those Councillors that had recently been appointed to the Committee and those who were substituting for absent Members.

27 **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors C Eccles and A Hopwood.

28 **Appointment of Substitute Members**

It was noted that Councillors C Reid and W Little had been appointed to serve as a substitute Members for Councillors C Eccles and A Hopwood respectively for this meeting of the Committee only.

29 **Declarations of Interest**

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

30 **Minutes**

Councillor J Foster referred to Minute number 20 – Stalled Sites – Strategies for bringing back into use privately owned vacant land and property – Members questions referring to paragraph n) advising that the training had been requested for all Members with the training requested being in relation to neglected and stalled sites, although it was agreed that previous training had been more suitable for officers than members.

The same Councillor referred to Minute number 21 – Consultation Process Review across the Authority – this paragraph under e) – line four stating that the word majority should be replaced with the word many as she was only aware of the community groups that had been targeted within her Ward.

Resolved

That subject to the amendments referred to above the minutes of the meetings held on 30th August and 6th September 2023, be approved as a correct record and signed.

31 **Public Forum**

No issues were raised under this agenda item.

32 **Commercial Strategy**

A report of the Director of Digital, Customer and Commercial Services was submitted to provide an update on the commercial strategy, core commercial activity and key projects and to assure the Committee on the value of the work undertaken by the Commercial team.

The Head of Commercial gave a detailed presentation to the Committee and in doing so referred to the objectives of the strategy, the definition of commercial activity in Dudley, the aligned values to the values of the organisation and the volume of commercial services that were supported by a team delivering core commercial functions.

It was reported that the team was small and as a result had to prioritise their activity with a clear set of priorities that could include introducing new services, changing offers, the commercial approach or ceasing services. There was the need for the Authority to deliver services effectively and at the same time operate as a business.

It was noted that Regeneration and Enterprise generated 60% of commercial income during 2022/23 and schools were the key commercial customers generating 38% of the commercial income for the same period.

Work was also underway with the Council's Communications and Public Affairs team in relation to the Himley Hall bonfire, advertising space income, town centre rentals and the Mayoral Business Club.

The Directorate Plan actions, objectives and key performance indicators (KPI's) for 2023/24 were outlined and it was noted that the KPI's had been met last year and were on target to be met this year.

A graph was displayed containing those services that had potential growth, those that were in deficit, profitability and surplus and it was reported that working with services to increase profitability was taking place and there was a real shift in focus leading to improved governance, profitability, and accountability.

The challenges that were faced included resistance from service areas when officers may not have adequately briefed members on the impact of commercial decisions. The Finance structure and methodology did not allow the easy access to the profitability of a service meaning additional resource to manage this. A lack of an overarching effective commercial approach requiring investment in systems, resources, and customer communications.

The speed of responses with the need to react quickly in a challenging Council environment was required and work was being conducted with officers to enable them to make decisions through the appropriate governance process.

Core commercial activity to date was referred to with baseline financially sustainable work continuing with finance and service areas where budgets were agreed collectively.

There was a review of the pricing strategy across the organisation. Collaborative decision making to achieve the maximum revenue that customers could sustain continued with this impacting on the excess of £700k being achieved in 2023/24 with regards to Regeneration and Enterprise.

It was reported that following commercial initiatives and interventions successes had followed with the launch of Connect2Dudley on 5th September 2022, with drivers to grow income, reduce recruitment costs and improve the quality of agency staff which had resulted in a forecasted surplus of £240k by year five ahead of schedule in April 2023.

The agreement to invest £0.5m in a play area facility at Himley Hall, bringing additional customers and revenue to the site with a forecasted cumulative surplus of £582k by year five.

The agreement to invest £0.65m at Dudley Town Hall, improving the venue and the offer, increasing the number of events, footfall and secondary spend.

The price revenue in Telecare with a potential increase of £600k in income per year from 2023/24.

Working closely with schools continued with a good retention policy.

Himley bonfire would be in profit this year following work with Communications and Public Affairs.

The deliverable income forecasted for 2023/24 was £2m and £3m for 2024/25.

Following the school meals review, project management of the closure of the service to time and to budget driving forward activity to ensure agreed savings were delivered.

There was the plan for the cessation of the Digital Grid for Learning from 1st September 2025, alongside technology colleagues who would be developing a new commercially viable offer to schools.

Working with 322 schools on the delivery of 68 services continued with work to retain as much profitable business as possible.

Monitoring performance, setting clear targets, and taking action to improve sales continued at the Leisure Centres, Himley Hall, Town Halls and Brooke's Bistro.

Difficult decisions were made in relation to school meals due to the deterioration in finances, with 37% of schools moving to new providers. There was a £1.1m subsidy for school meals during the current financial year and a £1.2m subsidy for 2023/24, with little option available other than increasing the cost of school meals by 30-40% to cover the subsidy. There was the need to ensure the quality of services and minimise the impact on staff.

There had been positive outcomes with 17 of 69 schools transferring to new providers, 11 having a clear plan with an agreed date, 17 with a plan in place, 17 out to tender and 7 schools considering their options.

In relation to Connect2Dudley the objectives and additional objectives contained within the presentation were referred to and it was reported that at the end of quarter 1 the service was in a profit position, sooner than expected. A revised forecast illustrated that at the end of the first full year of trading the service would be ahead of forecast by £27k and a full year profit position, 12 months ahead of schedule.

Phase two would focus on commercialisation with a soft launch taking place in January 2024. The two-year ventures forecasted a total cumulative profit of £865k to be shared between the partners.

Members asked questions, made comments and responses were provided where appropriate as follows: -

- a) Councillor N Neale, referring to the predictions above, asked whether they would be impacted upon by the budget setting process and the savings required. There was a request to be provided with revised figures following the budget summit and how the projection would be revised.

In response the Head of Commercial stated that all other budget changes would not impact on the projected trajectory for Connect2Dudley.

Some customers had been lost in relation to the Telecare service and projections may need to be reviewed regarding that service due to customer demand. The Head of Commercial was confident with all other forecasts contained in the report and presentation submitted.

- b) Councillor P Sahota in referring to the Commercial Strategy and the policy changes regarding delivery of services for the borough questioned why Equality Impact Risk Assessments had not been carried out and none had been identified although the Telecare service would be used by vulnerable people.

It was questioned whether the Council's Human Resources section had conducted a fact-finding exercise in terms of how services were running at the Crystal Café and why the staff had not been consulted on their ideas to make services at the Café more profitable.

Concerns were raised that the report did not identify any environmental or climate change impacts.

Page 33 of the report submitted detailed all services however there was no information in relation to finance and legal services.

Councillor P Sahota suggested that the Authority were weak in marketing for Brooke's Bistro and Leisure Centres, and although the report referred to work of the Communications and Marketing team, work had not happened to market those facilities.

The Head of Commercial operated within a small team and questions were raised whether that would raise issues in delivery for such large agendas and whether any benchmarking had been conducted with other authorities on how to turn services around and make them profitable.

The Head of Commercial responded stating that Equality Impact Risk Assessments were only required if making any significant changes to any services but in terms of the current report that related to supporting and not impacting on services.

It was confirmed that line managers had been consulted in relation to the Crystal Café who had in turn consulted with staff. It was noted that Commercial are in ongoing contact with services.

It was accepted that capacity within the team was an issue and those concerns had been raised.

- c) Councillor L Johnson requested confirmation as to who would be responsible for the provision of school meals in the future and how did their costs compare to other Authorities.

In response the Head of Commercial stated that every school was able to choose their own supplier and 37% of schools had already chosen to do so with the majority transferring to Shropshire Council, whose charges were similar. It was not anticipated that the costs would rise above the normal price index rate.

- d) Councillor E Lawrence referred to governance processes and how staff were empowered to make those commercial decisions.

The Head of Commercial provided an example in relation to the fees at Himley Hall, with the increase in fees and charges requiring authorisation of the Cabinet Member, however where there was an interest expressed in multiple bookings and a reduction in fees could be provided, the Head of Service had delegated authority to approve rather than going back through the process of the fees and charges.

It was a similar case in relation to Brooke's Bistro in that the line management structure could approve price changes as appropriate.

- e) Councillor J Foster raised concerns in relation to contracting out in relation to school meals, comparing that to contracting out civil parking enforcement. Should school meals be contracted out parents money would not be received by the authority but instead transferred to where the school was procuring, and if Shropshire Council could provide a comparable service, why in Dudley has a success not been made of the service.

The Head of Commercial stated that Dudley Council were making a loss, losing £1m with more money being expended than received. Shropshire were a larger entity and as a result able to grow their offer and rely on economies of scale. Dudley Council's competitors had continued to grow and cut the service in every way possible.

Councillor J Foster stated that Shropshire Council was a unity and not a large Authority in terms of population and in terms of budgets was unsure how they compared to Dudley Council. There was the need to examine what was going wrong with the service in Dudley. It was questioned how the system had failed and what had resulted in that failure.

The Head of Commercial stated she was unable to answer questions on the operational success of the service but would refer the question to the Head of Corporate Landlord Services for a response.

In terms of finances there had been a slow deterioration of customers in her opinion resulting in the service struggling and subsequent complaints in relation to the quality of services being received. Schools had subsequently spoken with their feet and left and with academisation it had become apparent that service provision would reduce.

Councillor J Foster referred to the longevity of the service and although aware of the concerns relating to the quality of meals believed that the decision should have been called in for scrutiny, in order that failures could have been identified. As the Authority were following the commercialisation route, unless satisfied that the whole system would work, concerns were raised that a dire financial situation could result.

Councillor P Atkins stated that the decision in relation to cessation of school meals was contained in the Medium-Term Financial Strategy that was submitted to both the Cabinet, Full Council and Select Committees for scrutiny, with that scrutiny process already taking place. There was a large difference in the number of schools in Shropshire as opposed to the Dudley borough, with Dudley Council unable to match their offer, however the operational delivery of the school meals service did not form part of his remit.

Councillor J Foster suggested that prior to considering outsourcing, the position in relation to the provision of school meals required a dedicated session to explore where failings had occurred and examine the position in comparable authorities.

The Head of Commercial advised that benchmarking exercises were conducted, and many authorities had been consulted which had revealed that the South Gloucester and Luton Borough Council had moved away from providing school meals with other authorities moving to put the provision into a different model or reduce the offer. Staffing costs were also a factor in terms of Local Government Terms and Conditions having to be met and pension costs.

Councillor J Foster referred to the arrangement with Kent County Council and the opportunity to collaborate with the other authorities mentioned to provide a service.

The Head of Commercial reiterated that every individual school determined who they entered into contracts with for the provision of school meals and it was schools who were making their own decisions under their own governance structures.

- f) The Chair expressed concerns in relation to Telecare services, as previously those costs were factored into the housing budget and the residents who benefited from the service were paying council housing rent. It was queried how many clients had been lost from the service.

The Head of Commercial confirmed that this was an operational question and would need to be investigated further to provide a definitive response, however it was in the region of 50% of customers so far and there remained work to contact remaining tenants. As the equipment is hard wired in many properties, some tenants had moved into properties where Telecare was installed, however they had young families and did not require the service.

It was reported that the cost of Telecare could be reduced by benefits and a reduction would be applied for those tenants in receipt of income related council tax reduction.

- g) Councillor C Reid referred to her work in sheltered schemes referring to the provision of Telecare being a real lifeline for some and enquired of the position in relation to those receiving limited private pensions and on limited benefits.

The Head of Commercial provided assurances that those in sheltered accommodation would not be charged for the service. It was also stated that those receiving council tax reduction due to income related benefits would receive financial reductions in relation to the Telecare service. Adult Social Care colleagues may also be able to assist with financial advice regarding benefits for Telecare services.

- h) Councillor E Lawrence enquired from a commercial element what work was being completed in relation to the 2025 analogue switch off for Telecare Services.

In response the Head of Commercial advised that Housing and Adult Social Care colleagues were working in collaboration with the Director of Digital, Customer and Commercial Services to ensure the project moved forward.

Councillor N Neale referred to the increase in charges resulting from the system changes that were required.

The Head of Commercial advised that this was an operational query but her understanding was each household would require a sim card which would be supplied at a minimal cost where possible.

The Chair raised concerns in relation to the elderly who were not conversant with technology.

- i) Councillor P Sahota suggested that marketing was essential to provide key messages to those who were vulnerable and elderly, with the need for the Communications and Marketing team to become involved.
- j) In response to a query from Councillor C Reid the Head of Commercial advised that there would be no need for the internet once the changes were made providing opportunities for savings for many households.

k) Councillor C Reid referred to the high-rise flats within her Ward requesting the provision of any marketing material to re-assure those who were fearful of losing their landlines.

The Head of Commercial confirmed that she would feedback the suggestion to the relevant service areas who were managing the analogue switch off.

Resolved

- (1) That the information contained in the report and presentation contained within Appendix 1 to the report submitted, be noted.
- (2) That the Head of Commercial be requested to:
 - (i) Liaise with the Head of Corporate Landlord Services to provide details of the operation of the system in relation to the school meal service, how the system had failed and what had resulted in that failure to members.
 - (ii) Advise members how many customers had left the Telecare service.
 - (iii) To advise the relevant service areas who were managing the analogue switch off of the request that elected members be provided with material detailing the analogue switch off to assure those who had concerns in relation to the loss of their landlines.

33 Corporate Quarterly Performance Report – Quarter 1 (1st April – 30th June 2023

A report of the Chief Executive was submitted on the Quarter 1 Corporate Quarterly performance report covering the period 1st April to 30th June 2023 which aligned to the 2022-25 Council Plan.

In presenting key information through presentation slides, the Corporate Performance Manager stated that of the twelve measures to be reported on there were four on target, one below target and four with no targets with those being noted in the respective scorecards. A further three would be reported on during Quarter 2 and 3. Members were provided with a detailed account of the performance indicators at the meeting.

Reference was made to the three Directorate Service Summary Documents that had been appended to the report submitted, providing an overview of service delivery, service achievements and opportunities for improvement during the relevant quarter focusing on Digital, Customer and Commercial Services, Finance and Legal and Regeneration and Enterprise.

Members were referred to the detail of the benchmarking exercise carried out on the customer satisfaction measures and workforce sickness data measures to ensure that Dudley were comparable and in line with other authorities, and to ensure that there was external context to those pieces of performance information, as contained in the report submitted.

It was noted that the Council Plan from 2022-25 sets out the vision and priorities under four core priorities and the plan was refreshed every three years mapping out the journey and commitment that the Council will constantly strive to improve the method in which services were delivered to meet the needs of local people and to ensure that achievements could be demonstrated and measured.

In concluding the detailed presentation, the Corporate Performance Manager requested the Committee to consider how they would wish to receive the presentation of future reports.

Members asked questions, made comments and responses were given where appropriate as follows: -

- a) Councillor J Foster expressed that she was aware that the Chief Executive was interested to hear about complaints, their timeliness and the investigation process and enquired whether any consideration had been given to the categorisation of those complaints and looking at them in more detail in terms of scrutiny together with the code of conduct of complaints, and making recommendations on procedures, time taken to investigate and outcomes as that was a further area that she would wish to be considered.

In response the Corporate Performance Manager indicated that should Members wish to scrutinise performance further relevant to this committee, she would consult the relevant Heads of Service to present those in the future.

- b) In response to a question from Councillor S Mughal in relation to short term absence, it was noted that the performance indicator did include Coronavirus which was now recorded as a sickness absence, however that indicator did not include those who were working from home.

The same Councillor requested information on what work was being conducted in relation to work related sickness. The Corporate Performance Manager advised that she would consult with the relevant service to explore future reporting to include working from home statistics if this information was recorded corporately, however the management of sickness was the responsibility of managers with support from HR Business Partners.

- c) The Chair suggested the possibility of focusing on individual items in future reports.
- d) Councillor E Lawrence suggested that Members request information on any specific items prior to future meetings in order that the relevant officers can be requested to attend to address those questions/issues.
- e) Councillor J Foster specified that one of the roles of scrutiny was to drive improvement and complaints were an area where there was that need to drive down in terms of improvement. Grievances and Code of Conduct complaints may also be another area for in-depth scrutiny.
- f) Councillor P Atkins agreed with a focused approach.

- g) Councillor J Foster referred to the need to obtain details of the process in relation to complaints, how they were handled and then obtaining feedback. This would in turn provide a focus on how the process could be improved.

The Corporate Performance Manager confirmed that corporately Digital and Customer Services held the data in relation to corporate complaints and suggested the possibility of in future forwarding draft reports to members prior to meetings in order to determine issues that were to be focused upon and in turn the relevant officers would be invited to attend future meetings.

Resolved

- (1) That the information contained in the report submitted be noted.
- (2) That the review of the Directorate and Corporate Key Performance indicators agreed by the Committee in June that were monitored and reported against the Council Plan for 2023 and the benchmarking exercise undertaken, be noted.
- (3) That the Council Plan refresh referred to in paragraph 10 of the report submitted, be noted.
- (4) That the Chair and Vice-Chair in conjunction with the Corporate Performance Manager be requested to consider how future reports should be presented to the Committee above, referring to the suggestions by members above.
- (5) That the Corporate Performance Manager be requested to: -
 - (i) Report on the details in relation to the complaints procedure to include processes, how they were handled and feedback from complainants to include timeliness.
 - (ii) Report on what work was being conducted in relation to work related sickness in future Corporate Quarterly reports.

34 **Corporate and Economic Strategy Select Committee Progress Tracker and Future Business**

A report on the Progress Tracker and Future Business was received and noted by Members and the following issues and suggestions were made: -

- a) Councillor J Foster raised the issue of no response being received from the Head of Economic Growth and Skills regarding the two resolutions arising from the Stalled Sites – Strategies for bringing back into use privately owned vacant land and property report.
- b) Councillor J Foster referred to future business and queried why reports were being submitted for scrutiny if they were for noting only and the need to drill down underperforming areas within the remit of the committee.
- c) Concerns were raised in relation to the disruption that may be caused in general to two town centres and traders due to the full funding now being obtained in relation to the metro rail, and a request was made for a report to be submitted to a future committee on this issue.
- d) Councillor J Foster stated that the relevant Cabinet Members and Directors should be invited to future meetings of the Committee including the Leader and Deputy Leader.

Resolved

- (1) That the information contained in the report submitted on the Corporate and Economic Strategy Select Committee Progress Tracker and Future Business, be noted.
- (2) That the Senior Democratic Services Officer be requested to contact the Head of Economic Growth and Skills regarding the two resolutions arising from the Stalled Sites – Strategies for bringing back into use privately owned vacant land and property report requesting responses as a matter of urgency.
- (3) That a report on mitigating the disruption that is to be caused in general to two town centres and traders due to the full funding now being obtained in relation to the metro rail be submitted to a future meeting of the Committee.
- (4) That the Senior Democratic Services Officer be requested to invite the relevant Cabinet Members, Directors, Leader and Deputy Leader to future meetings of the Committee as and when required.

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

36 **Comments of the Chair**

The Chair thanked all Members and Officers for attending and the positive and constructive discussions and contributions made during the meeting.

The meeting ended at 8.00pm

CHAIR

**Minutes of the Appointments Committee
Monday 6th November, 2023 at 9.30am
in Committee Room 2, the Council House, Dudley**

Present:

Councillor P Bradley (Vice-Chair in the Chair)
Councillors S Ali, P Atkins, A Aston, I Bevan, D Corfield, J Foster, S Ridney and
M Rogers

Officers:

J Branch (Assistant Director People and Inclusion)

Also in Attendance:

M Wade (Midlands Regional Director of Public Health, & NHS Regional Director
of Public Health) and D Faulkner (Partner – Faerfield Limited)

1 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors R Buttery,
P Harley, P Lower and L Taylor-Childs.

2 **Appointment of Substitute Members**

It was noted that Councillors P Atkins, I Bevan, S Ridney and M Rogers
had been appointed as Substitute Members for Councillors L Taylor-
Childs, R Buttery, P Lowe and P Harley, respectively, for this meeting of
the Committee only.

3 **Declarations of Interest**

Councillor S Ali declared, for transparency purposes, that he had known one of the candidates in a previous employment capacity, however, assured that this would not affect his ability to consider the selection process impartially.

Councillor J Foster declared a non-pecuniary interest in her capacity as a freelance investigator for West Midlands Employers, however assured that she had no involvement in the commissioning of West Midlands Employers to deliver the mandatory training to the Committee. Councillor J Foster withdrew from the meeting prior to the interviews undertaken for the post of Director of Public Health and Wellbeing.

4 **Minutes**

Resolved

That the minutes of the meeting held on 5th April, 2023 be confirmed as a correct record and signed.

5 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

6 **Exclusion of the public and press**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves 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 **Post of Director of Public Health and Wellbeing**

The Committee interviewed candidates for the post of Director of Public Health and Wellbeing.

Resolved

That the Council be recommended that Mayada Abu Affan, be appointed to the post of Director of Public Health and Wellbeing on the terms, conditions, allowances and salary applicable to the post.

The meeting ended at 2.10pm

CHAIR

**Minutes of the Audit and Standards Committee
Monday 25th September, 2023 at 6.00pm
In Committee Room 3, The Council House, Dudley**

Present:

Councillor A Lees (Chair)

Councillor D Borley (Vice-Chair)

Councillors S Ali, T Creed, J Cowell, M Evans, J Foster, S Henley and W Little.

Dudley MBC Officers:

I Newman (Director of Finance and Legal Services), G Harrison (Head of Audit and Risk Management Services), M Farooq (Monitoring Officer and Lead for Law and Governance), T Robbins (Head of Procurement) and K Taylor (Senior Democratic Services Officer).

Officers in Attendance via Microsoft Teams:

M Granger (Corporate Fraud Manager), E Newman (Principal Auditor), M Landy (Principal Auditor) and A Taylor (Senior Principal Auditor)

Also in Attendance:

K O'Keefe (Chief Executive) and A Paul (Head of Chief Executive's Office) – for Agenda Item No. 5 – Review of Programme, Project and Contract Management.

T Holder (Solicitor) – for Agenda Item No. 6 – Whistleblowing Policy.

R Cooper (Head of Financial Services), L Jones-Moore (Finance Manager) and J McGregor (Senior Principal Accountant) – for Agenda Item No. 7 – Treasury Management.

11. **Comments of the Chair**

The Chair welcomed Councillor S Henley to his first meeting of the Audit and Standards Committee having recently been appointed to the Committee replacing Councillor S Keasey.

12. **Apology for Absence**

There were no apologies submitted for this meeting of the Committee.

13. **Appointment of Substitute Member**

There were no substitute Members appointed for this meeting of the Committee.

14. **Declarations of Interest**

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

15. **Minutes**

In referring to Minute No. 6 Resolution 2 – External Audit Grant Thornton Annual Audit Plan 2022-23 and Annual Risk Assessment 2022-23, the Chair advised that an e-mail outlining concerns and comments raised by the Committee at the previous meeting had been circulated as requested and acknowledged by the Cabinet Member for Finance, Legal and Human Resources.

Councillor S Ali confirmed that an update had not been received following the Committee's recommendation to the Chief Executive to give further detailed consideration to the External Auditor's recommendation concerning the position of the Monitoring Officer.

(At this juncture, the Monitoring Officer and Director of Finance and Legal Services withdrew from the meeting)

The Chief Executive advised that a number of Authorities operated similar models to Dudley where the Monitoring Officer position was attached to other roles. It was noted, however, that the Strategic Executive Board had discussed a proposed restructure with further discussions expected over the next week, following which a consultation exercise would be required before being presented to this Committee.

In responding, Councillor S Ali emphasised the importance of Members being notified of processes undertaken and outcomes following recommendations made by the Committee.

Resolved

That the minutes of the meeting held on 17th July, 2023, be approved as a correct record and signed.

16. **Review of Programme, Project and Contract Management**

A report of the Chief Executive was submitted on progress with the improvement of programme, project and contract management.

In presenting a summary of the report submitted, the Chief Executive referred to the budget approved within the Medium-Term Financial Strategy in 2021 to support the implementation of the Corporate Portfolio Management Office (CPMO). The team currently operated with 3.5 full time equivalent employees with experience in project management, working within the local authority and project support. The CPMO was seen as a centre of excellence, specialising in providing programme and project management expertise to enable the Council to deliver the best outcomes for the residents of Dudley. It was acknowledged, however, that the Team was not expected to manage all projects throughout the Directorates.

Members were advised of an event during August, 2023 which took place at Himley Hall and was attended by over 60 officers from across the council who either managed or were involved in delivering projects. The event provided the opportunity for project managers to share resources, experiences and provide peer support across the Council. It was anticipated that a further event would be arranged in due course.

It was noted that a Project Management Framework had been developed, supported by a Project Management Toolkit on the CPMO SharePoint pages , which contained tools and guidance and allowed project leads to go through various gateways for managing projects accordingly. A Project Portal (Verto 365) had also been developed to help project leads to manage project activity. It was reported that Dudley had received a number of requests from other authorities for officer support in this regard, however, this would be charged.

The Chief Executive referred to the changes to the Annual Governance Statement, as approved by the Audit and Standards Committee, to reflect issues arising from an audit investigation which highlighted failings in programme, project and contract management. In response to the issues raised, an Action Plan had been developed outlining the objective, actions, timescales, outputs and Lead Officer details, and was attached as Appendix 1 of the report submitted.

Arising from the presentation of the report, Members asked questions, made comments and responses were provided where necessary as follows:-

- a) In referring to the Action Plan, Councillor J Cowell suggested that the title “Objective” should be amended to either “Issue” or “Concern”. She also sought clarification to the proposed implementation of the Project Management Framework and Toolkit, which had been referenced within the Action Plan.

In responding, the Head of Chief Executive’s Office confirmed that consultation had been undertaken with a variety of stakeholders to ensure a council-wide approach to project management with the basic processes and procedures to be followed throughout the project lifecycle. The roll-out of the Framework would be undertaken in a phased approach with training being made available for project leads. It was anticipated that the Framework would be fully implemented within a year.

The Chief Executive emphasised the importance of officers recognising projects against every-day activity that was part of core services. Overview sessions on the Framework and Portal had been initially delivered to the Regeneration and Enterprise Directorate due to the number of major projects within the Borough relating to regeneration. It was noted that the Project Portal (Verto 365) would generate reports outlining the number of projects that were taking place across the Council and their delivery status.

- b) Councillor J Cowell referred to the Procurement training delivered during 2022/23, in particular that the outputs suggested that the training was not mandatory and would not be required to be completed on a regular basis, which she suggested should be applied to ensure compliancy.
- c) In responding to comments raised by Members in relation to the Lead for Law and Governance identified as Lead Officer for providing legal advice where appropriate as part of the procurement process, it was agreed that this would be amended to the Director of Digital, Customer and Commercial Services as lead on Procurement.

- d) The Chair considered that the Project Management Framework was underpinned by technology and queried whether an alert could be generated to highlight any potential risk to the project lead when completing a Project Business Case.

In responding the Head of Chief Executive's Office confirmed that a Project Initiation Document (PID) allowed Project Leads to add key information which would signpost Leads to contact service areas such as finance, once a certain threshold had been reached. The template would act as a detailed project plan and ensure that projects were properly scoped and planned. The Project Portal (Verto 365) also allowed project leaders to monitor progress and funding.

- e) In responding to a question raised by Councillor M Evans regarding implementation of the e-tendering and contract management system, the Head of Procurement anticipated that this would be implemented within the next two months with a view to going live in December. Training, guidance and templates would be made available during October, and a new Framework would be developed accordingly. It was hoped that in-built automated alerts would also be incorporated to assist contract management.
- f) Councillor S Ali referred to the methodology used and queried whether this had been adopted across the Council as a whole and emphasised the importance in Project Leads adopting all elements within the business case to ensure robust management.

In responding, the Head of Chief Executive's Office confirmed that the Framework incorporated both Managing Successful Programmes (MSP) and Prince 2 methodologies and encompassed a number of areas including Audit and Governance. It was agreed that the Framework would be shared with Members for information.

- g) Councillor S Ali further stated that the development of the Action Plan had been undertaken following issues raised from the Council's attendance at the MIPIM Conference. He raised concerns that despite a number of requests made, further information had not been received of the Committee's recommendation that findings in relation to any individual or individuals be investigated under appropriate procedures including interviews with Members. Councillor Ali further reiterated that Members should be updated on matters following recommendations made. It was also considered that the Action Plan did not address issues raised or provide any progress to date.

In responding, the Chair acknowledged that the outcome of the MIPIM Conference had highlighted issues in relation to project management, however these were now being addressed with progress being made. He also referred to the findings of the Independent Monitoring Officer in respect of the review of arrangements for the Dudley MBC MIPIM Delegation 2019-23, which had been considered and approved by the Appointments Committee.

- h) Further to comments made, Councillor S Ali proposed a recommendation to again refer the findings of an internal audit report, together with the Action Plan, to External Auditors in order to give assurance that appropriate measures were being undertaken.

In responding, the Chair declined the request to put forward the motion explaining that the same recommendation had been voted on and refused by the Committee in November, 2022 and was not reflective of the agenda item put forward.

- i) In responding to a question raised by Councillor D Borley, the Head of Chief Executive's Office confirmed that the Project Portal (Verto 365) generated e-mail alerts to Project Leads, however focus would be given to dashboard content alerts in order to monitor progress against the project plan. It was suggested that a demonstration be provided at a future meeting of the Committee.
- j) In responding to a question raised by Councillor W Little, the Head of Chief Executive's Office confirmed that there was not a 'pool' of Project Managers within Dudley therefore it was the intention to upskill Project Leads through the Project Framework and Project toolkit which would enable project processes to be easily followed and maintained in a consistent way across the council

Resolved

- (1) That the information contained in the report submitted, in relation to the progress with the improvement of programme, project and contract management, and as reported at the meeting, be noted.
 - (2) That the Head of Chief Executive's Office be requested to circulate the Project Management Framework to Members for information.
 - (3) That the Head of Chief Executive's Office arrange a demonstration of the Corporate Portfolio Management Office Verto system at a future meeting of the Committee.
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17. **Whistleblowing Policy**

A report of the Monitoring Officer was submitted on the recent revision and operation of the Council's Whistleblowing Policy.

In presenting a summary of the report submitted, the Monitoring Officer confirmed that the Policy had been fully reviewed and refreshed and was attached as Appendix A to the report submitted.

Reference was made to the survey that had been undertaken by the Monitoring Officer with Directorates during August 2023, and it was noted that there had been two anonymous whistleblowing referrals in relation to the same issue received since the policy was reviewed in 2022. Details and outcomes of the two referrals were presented as set out in the report.

It was noted that the Whistleblowing Policy poster, which was displayed in prominent work areas, had been updated to include examples of serious concerns to be reported and contact details for the Monitoring Officer. A dedicated whistleblowing hotline number and email address had been arranged for employees to raise their concerns in the first instance together with details of an external charity, namely, Protect, for those that felt uncomfortable raising concerns internally.

The Monitoring Officer advised that there had been wide consultation undertaken with a variety of stakeholders including Human Resources and Audit colleagues, Union Representatives and Directorates and all comments received had been taken into consideration.

An overview of the revised Policy was presented at the meeting with reference made to a flowchart outlining options available in raising concerns, and available support during the process. It was noted that the number of contact officers had been reduced to enable employees to have a more direct communication should they choose not to raise their concerns through the dedicated Whistleblowing hotline. The Policy also confirmed that employees could invite their trade union, professional association representative or a friend to be present for support during any meetings or interviews.

Arising from the presentation of the report, Members asked questions, made comments and responses were provided where necessary as follows:-

- a) Councillor J Foster welcomed the presentation given and referred to Section 7 within the Policy in relation to taking matters outside the Council, where an employee was not satisfied with the action taken by the Council, and suggested that employees should be encouraged to contact the Police in the first instance should their concerns relate to a criminal matter.

In responding, the Monitoring Officer confirmed that the Policy highlighted that matters raised may be referred to the Police, or through established child protection or abuse procedures, where appropriate, and also included a list of the Council's prescribed contacts.

In responding, Councillor J Foster considered that the paragraph was slightly confusing and should emphasise that employees should contact the Police immediately to ascertain whether the nature of the concern could be criminal.

- b) In responding to a further question raised by Councillor J Foster with regard to the inclusion of an informative list highlighting relevant groups for issues to be reported to, the Monitoring Officer stated that due to the wide-ranging list, employees were suggested to contact the dedicated hotline, officers and prescribed contacts to determine appropriate avenues for issues to be reported.
- c) Councillor J Foster referred to suggestions made during the recent Local Government Association Peer Review in relation to an Independent Person being appointed to the Audit and Standards Committee and queried whether there would be a role for that person within the Policy.

In responding, the Monitoring Officer confirmed that comments and suggestions made by the Committee would be considered during the next review of the Whistleblowing Policy.

- d) In responding to a suggestion made by Councillor J Cowell, the Monitoring Officer agreed to insert a 'yes' box under matters raised internally on the Whistleblowing Flowchart.
- e) Councillor J Cowell referred to the officer contact details within the Policy and sought clarification as to whether Personal Assistants had been made aware of the process accordingly.

In responding, the Monitoring Officer confirmed that all Personal Assistants had been informed of the process involved and that all Directorates had been requested to remind all employees of the Whistleblowing Policy through a standard item on Directorate Team Meetings.

- f) Councillor M Evans welcomed the inclusion of a section in relation to untrue allegations, which had been previously requested.
- g) In responding to a question raised by Councillor M Evans, the Monitoring Officer confirmed that there had been no further enquiries received arising from the two anonymous whistleblowing referrals presented at the meeting.

Resolved

- (1) That, the information contained in the report submitted, in relation to the outcome of the recent monitoring of the Whistleblowing Policy, and comments made by Members as stated above, be noted.
- (2) That the recent revision of the Council's Whistleblowing Policy, as attached as Appendix 1 of the report submitted, be approved.

18. **Treasury Management**

A report of the Director of Finance and Legal Services was submitted on the treasury management activity during the financial year 2022/23 and in the current financial year up to the end of July 2023.

In presenting a summary of the report submitted, the Director of Finance and Legal Services advised that whilst the Authority undertook treasury management activity on its own behalf, it was also responsible for administering the treasury management for the West Midlands Debt Administration Fund (WMDAF). A summary of the treasury activity for Dudley and the WMDAF, as set out in the report submitted, was outlined.

Arising from the presentation of the report, Members made comments, asked questions and responses were provided where necessary as follows:-

- (a) In acknowledging the good investment return rate of 3.70% compared to the client average of 3.17%, Councillor M Evans sought officers views on the increase of interest rates, some of which were now in excess of 5%. In responding, the Director of Finance and Legal Services reported that the Investment return rate was significantly lower during 2021/22 and that due to the increase this year, the Local Authority had seen an increase in its return on investments, however, this was expected to decrease next year.
- (b) Councillor J Cowell referred to the Investment Activity 2023/24 to July as outlined in Appendix 3 of the report submitted, and sought clarification on the 0% average rate of the Barclays Call Account. In responding, the Senior Principal Accountant confirmed that the figure was correct and that discussions were being held with Barclays to increase the rate going forward.
- (c) In responding to a question raised by Councillor S Ali, the Director of Finance and Legal Services undertook to provide a written response outlining further details in relation to the short-term borrowing during 2022/23 on one occasion of a value of a loan for £8million at a rate of 1.00% for the duration of one day.
- (d) In responding to a further question raised by Councillor S Ali, it was confirmed that long-term borrowing was anticipated to be required in the next twelve months to address cash flow requirements.
- (e) Reference was made to the levels of actual external borrowing undertaken during 2022/23 compared to previous years, the Director of Finance and Legal Services reported that the ratio outlined in Appendix 2 of the report submitted, was similar in comparison to previous years.
- (f) It was confirmed that the investment activity undertaken during 2023/24 to July to one other Local Authority was in relation to the West Midlands Combined Authority.

Resolved

- (1) That the information contained in the report submitted on the Treasury Management Activity during the financial year 2022/23 and up to end of July 2023, be noted and referred to full Council on 16th October 2023, for consideration.
- (2) The Director of Finance and Legal Services be requested to provide a written response outlining further details in relation to the short-term borrowing during 2022/23 on one occasion of a value of a loan for £8million at a rate of 1.00% for the duration of one day.

19 **Update to the Contract Standing Orders in the Council's Constitution**

A joint report of the Director of Digital, Customer and Commercial Services and the Monitoring Officer was submitted seeking the Committee's approval on the updates and changes proposed by the Head of Procurement to the Council's Contract Standing Orders (CSO's).

In presenting a summary of the report through presentation slides, the Head of Procurement confirmed that the values in the CSO's had been updated in line with legislative and statutory changes and the text simplified to ensure compliance.

An overview of the fundamental changes to simplifying and expanding exemptions together with exemptions for Residential Social Care Contracts was presented at the meeting.

It was noted that within the next 12-18 months, a wider review would be undertaken of the CSO's by Procurement once the Procurement Bill was enacted to ensure continued compliance with legislation. Further advice was expected to be provided by Central Government on Adult Social Care contracts in order to provide clarity around the current conflict between patient choice and competitive tendering.

Arising from the presentation of the report, Members asked questions, made comments and responses were provided where necessary as follows:-

- a) In responding to a question raised by Councillor J Foster, the Head of Procurement confirmed that the Housing Revenue Account had to adhere to the Contract Standing Orders.

- b) Arising from a suggestion by Councillor J Cowell, the Head of Procurement agreed to amend paragraph 15.3 within the proposed Contract Standing Orders to 'international standard body'.
- c) Councillor J Cowell referred to paragraph 21.5 in that for contracts with a value of more than £1m of where the contract exposes the Council to significant risk, a contract manager would be nominated to monitor the contract performance, and queried whether this threshold should be reduced.

In responding, the Head of Procurement advised that each contract was allocated a contract manager through a tiering system, and that all contracts over £5,000 were required to be added to the Contracts register.

Resolved

- (1) That the information contained in the report and Appendix 1 to the report submitted, on the revised Contract Standing Orders, be noted.
- (2) That the Lead for Law and Governance be authorised to adopt the revised Contract Standing Orders into the Constitution with effect from 26th September, 2023.

20. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

21. **Exclusion of the Public and Press**

Resolved

That the public and press be excluded from the meeting for the following item of business, on the grounds of the likely disclosure of exempt information relating to any individual(s) and to the financial or business affairs of any particular person (including the authority holding that information) as defined under Part I of Schedule 12A to the Local Government Act 1972, as amended.

22. **Exemptions from the Requirement for a Competitive Procurement Process**

A report of the Director of Digital, Customer and Commercial Services on exemptions and waivers that had been made to the Council's requirements for a competitive procurement process to be undertaken.

In presenting a summary of the report submitted, the Head of Procurement confirmed that there had been 9 Exemptions and 18 Waivers received between June 2022 and 31st March, 2023, which were detailed in Appendix 1 and 2 of the report submitted.

Arising from the presentation of the report, Members made comments and raised questions which were responded to at the meeting.

Resolved

That the information contained in the report and appendices submitted on the exemptions and waivers that had been made to the Council's requirements for a competitive procurement process to be undertaken, be noted.

The meeting ended at 7.45pm

CHAIR

**Minutes of the Ernest Stevens Trusts Management Committee
Monday 23rd October, 2023 at 6.00pm
in Committee Room 3, Council House, Dudley**

Present:

Councillor I Kettle (Chair)
Councillor T Crumpton (Vice-Chair)
Councillors D Borley, J Cowell, and T Creed

Co-opted Member

J Jones (Friends of Wollescote Park)
H Rogers (Friends of Mary Stevens Park)
D Sparks (Friends of Stevens Park, Quarry Bank)

Officers:

M Bieganski (Strategy and Governance Section Manager), D Fildes (Parks Development Manager), D Mcnaney (Senior Principal Accountant), R Tilley (Funding and Projects Manager), M Wilcox (Principal Lawyer) and L Jury (Democratic Services Officer).

Also in attendance:

One member of the public.

53 Apologies for Absence

An apology for absence from the meeting was received from Councillor S Clark.

54 Appointment of Substitute Members

It was reported that Councillor T Creed had been appointed as a substitute Member for Councillor S Clark for this meeting only.

55 **Declarations of Interest**

Councillor T Crumpton declared a non-pecuniary interest due to his recent appointment as Chair of the Friends of Wollescote Park.

56 **Minutes**

Resolved

That the minutes of the meeting held on 27th July, 2023 be confirmed as a correct record and signed.

57 **Public Forum**

A resident of Lime Gardens was in attendance at the meeting and requested to address the Committee with regard to a Traffic Regulation Order (TRO) on Benjamin Drive and parking on Homer Hill.

The resident of Lime Gardens addressed the Committee stating that he had attended the last meeting as he believed that issues would be raised in relation to concerns with regards to the safety aspects travelling up and down Benjamin Drive. He stated that he had felt that issues raised related to residents not using Benjamin Drive and using other alternatives routes and it was suggested that Emergency vehicles obtain access via Ormond way, however, it was advised that this access was blocked off by bollards which would have to be cut down and removed. The resident stated that he had recently installed a rear and front view dash cam in his car to capture footage when using the road due to his grave concerns that he may injure a person or animal as the road was unsafe to travel by car. It was advised that reports on social media indicating that there was not an issue with parking along the road, had encouraged more people to park. People were performing three-point turns on the road, parking at right angles to the grass and damaging the park surface.

It was noted that parking further down the road, on the bend, had the biggest impact as many families could not gain access on a weekend. Referring to parents parking for school drop offs, it was noted this did not have such an impact on the road due to the limited time the cars were parked, as opposed to park users who could be parked for anything up to four hours, and it was noted that no traffic marshalling was implemented during periods of high activity.

Reference was made to the likely possibility of an accident occurring and noting the challenges that would be experienced by emergency vehicles to gain access to residents or park users. It was noted that dash cam footage of the situation had been posted on social media to raise awareness of this issue, and the resident had been verbally attacked by other residents.

58 **Benjamin Drive Traffic Regulation Order and Parking – Homer Hill Park**

The Committee received a verbal report from the Principal Lawyer who advised that as agreed at the last meeting of the Committee, independent legal advice had been obtained which had been shared with Members prior to the meeting. It was advised that a consultation exercise be undertaken by the Trust with park users, all residents of Lime Gardens and the neighbouring area.

This would comprise of an on-line consultation exercise and via posters to be displayed in the park. It was requested that a brief history of the situation to be included in the consultation and the external legal advice had recommended that the results of the consultation be shared with the Highways Department, and the Department would undertake a survey traffic risk assessment and consider the appropriate action to be taken.

Reference was made to a letter that had been received from Mrs V Bloomer, Secretary of Homer Hill Park, who had attended previous Committee meetings in relation to this issue. However, she was unable to attend this meeting and had requested that the views expressed in her letter be considered by the Committee.

In response to the Chair's questions on the cost of the independent external legal advice that had been sought and who would be responsible for undertaking the consultation, the Principal Lawyer advised that the cost of the legal advice would be reviewed and circulated direct to Committee Members. The Parks Development Manager advised that the Parks Team would undertake the consultation in conjunction with Legal Services and the results would be shared with the Highways Department as recommended. It was confirmed that park users would be consulted using a paper format and an on-line survey would be offered which would consist of a QR code being printed on posters in the park for people to submit a response. The consultees would include the football teams that used the park, the Friends of the Park and park users.

In response, the Vice-Chair referred to the difficulty of the situation with regard to people not understanding other people's needs within the area. In referring to the issue that had been raised by the Lime Gardens resident with regard to the lack of traffic marshals, it was noted that if this situation had been classed as an event being held in the park, there would be an expectation that traffic marshals would be in place to ensure that parking was being undertaken appropriately, and it was questioned whether this issue could be explored in the short-term as it was anticipated that the results of the consultation would not be known until the new year. The Vice-Chair suggested that a way forward could be to hold two separate meetings, one for the residents of Lime Gardens to obtain a collective view on the consultation, and a similar meeting with the Friends of the Park and neighbouring residents and suggested that appropriate Council Officers also be included.

In response to a suggestion that the Emergency Services be involved in the consultation, the Chair agreed with the proposal and requested that officers proceed with the consultation exercise taking into account comments made by Members, and that a further detailed report be submitted to a future meeting for consideration.

Resolved

- (1) That, the information presented on the independent external advice sought on the issue of the Benjamin Drive Traffic Regulation Order and parking at Homer Hill Park be noted.
 - (2) That the recommendation that the Parks Department Manager, in consultation with Legal Services, undertake a consultation exercise, to include the residents of Lime Gardens, the Friends of Homer Hill Park, park users and neighbouring properties, be noted and approved.
 - (3) That, a further report to include the outcome of the consultation exercise, be submitted to a future meeting of the Committee for consideration and in accordance with the external legal advice be sent to the Highway Authority in order that they can consider further.
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59 **Mary Stevens Centre**

The Committee received a verbal report from the Strategy and Governance Section Manager in relation to vacant space available at the Mary Stevens Centre.

In presenting the item, the Strategy and Governance Section Manager advised that at the last meeting of the Committee, two Charities namely, Crafting for Carers and WeLoveCarers, who were currently in situ at the Mary Stevens Centre, attended the meeting to present their interest in occupying other rooms within the Centre.

Arising from the presentations, Members requested that officers review the current situation and the proposed allocation of the additional rooms to accommodate both charities' aspirations. A concern that needed to be considered related to the safety of one of the charities clients, as they were predominately vulnerable children.

The Strategy and Governance Section Manager advised that they were not yet in a position to present a proposed plan to the Committee for consideration, that had been agreed with both Charities, and it was anticipated that a proposal would be submitted to the next meeting of the Committee.

Resolved

That, the Strategy and Governance Section Manager be requested to produce an alternative room allocation in the Mary Stevens Centre in conjunction with both Charities, to include a review of the visitor access arrangements into the building, and a report be submitted to the next meeting of the Committee for consideration.

60 **Lease for Tintern House – Stevens Park, Quarry Bank**

The Committee received a joint report of the Acting Service Director Neighbourhood Delivery and the Head of Waste and Transport Operations on the current position with regard to the lease for Tintern House.

In presenting the report, the Funding and Projects Manager advised that since the last meeting of the Committee, the final accounts for the capital works of the Emily Jordan Foundation Project (EJFP) had been agreed and a review of the capital budget for the project had been undertaken. It was noted that several meetings had been held with colleagues from Finance and a meeting with the EJFP had been held to review their finances and consider information they had supplied to support their claim for funding.

Subsequently, a meeting had been held with the Lottery and it was advised that the Lottery would be holding a meeting with the EJFP to outline their requirements in relation to a Business Plan and other information to consider the claim for financial assistance for the EJFP.

The Committee undertook a detailed discussion including reference to the Charity's accounts, financial position and business plan. Reference was made by the Chair to the involvement of Social Services and it was noted that a series of networking and marketing events were to be held from October to November 2023. The EJFP would be allocated a stall to showcase their facilities to ensure that the Directorate and Public Health were aware of their offer. The Funding and Projects Manager advised that a meeting had been held with the EJFP and Social Workers.

The Chair referred to a letter received from the Chief Executive of the EJFP, expressing concern regarding the report presented to the Committee.

The Principal Lawyer responded accordingly and referred to issues concerning the lease and the need for compliance with relevant legal provisions and the requirements of the Charity Commission. Reference was made to a meeting with the Funding and Projects Manager, the Strategy and Governance Section Manager and the Lottery. The importance of the submission of a Business Plan was acknowledged.

Reference was made to the recommendation by Legal Services that the Project Board that had been responsible for the Partnership Agreement with the EJFP, be reconvened in mid-November. It was anticipated that by the end of November, the Board would be in receipt of the Business Plan to be considered and the outcomes would be discussed with the Lottery. It was noted that the Lottery was also considering their requirements.

In response to a question raised by the Chair on when the final position with regards to the future of the EJFP would be available, the Funding and Projects Manager advised that it was anticipated that by the end of December 2023, the views of the Lottery, the Trust and the Project Board would be known regarding how to proceed going forward.

The Principal Lawyer advised on meetings with the Lottery, the legal position relating to the Trust and associated ongoing issues. The Funding and Projects Manager stated that it was a condition that the lease was signed before funding would be made available.

Mr D Sparks (Co-opted Member) raised concerns in relation to the length of time that the situation had continued and the implications. He emphasised the need to resolve the matter as soon as possible. Further concerns were raised about future relationships with the Charity Commission and funding opportunities with the Lottery. It was in the interest of all parties that the lease was signed, and any lessons learnt were taken on board.

The Principal Lawyer advised further on the options available and the need for further meetings with relevant parties. With reference to the meeting with the Lottery, it was reported that they were satisfied with the process that would be undertaken, as set out in the report, and had advised that they would be undertaking an internal review in relation to future funding. The Chair emphasised the need to identify how beneficial the EJFP agreement had been.

Mrs H Rogers (Co-opted Member) commented on the situation in relation to the current tenant in the café and options to avoid a similar situation arising in the future.

In response to a question asked in relation to any rent that had been paid to the EJFP, the Funding and Projects Manager confirmed that the café tenant had been paying rent to the EJFP and this would be included in the Business Plan.

Councillor T Crumpton stated that the report to the next meeting should include all the relevant information as requested by the Committee. This should include details of the review of the outcomes, the financial position and information on the café's usage and income generated.

In response to a question raised by Councillor J Cowell regarding the membership of the Project Board, the Funding and Projects Manager advised that membership would include a Director or Head of Service, the Cabinet Member for Highways and Environmental Services, the Parks Development Manager, the Funding and Projects Manager and a representative from the EJFP. The Principal Lawyer advised that Legal Services and Corporate Landlord would not be members of the Board, due to the potential conflict of interest, but the Board had a duty to consult with both services and consider any advice given.

In response to Councillor J Cowell's concerns regarding community involvement, the Funding and Projects Manager confirmed that current community engagement would be included in the report to Committee and the Trust's concern in relation to this issue had already been raised.

In conclusion, the Chair requested that a draft report to include all the issues raised at the meeting be submitted to the pre-agenda meeting to be arranged for early January 2024.

Resolved

- (1) That the information received on the current position with regard to the lease for Tintern House, Stevens Park, Quarry Bank with the Emily Jordan Foundation Projects and comments raised by Members, be noted.
- (2) That a detailed written report be submitted to the next meeting of the Committee for consideration to include information requested by Members at the meeting.

61 **Ernest Stevens Trusts, King George V Park and Homer Hill Recreation Ground – Final Accounts 2022-2023**

A report of the Director of Finance and Legal was submitted on the accounts of the individual Trusts comprising the Ernest Stevens Bequests and the accounts of King George V Park (charity no. 701251), for the financial year 2022/23.

The Senior Principal Accountant presented the report and referred to the covering report which provided information on the background as to how the accounts had been prepared.

In summarising the report, it was noted that if gross income in the financial years stated had been between £25,000 and £1 million, full accounts were required and would need to be independently examined and signed off by internal audit. The accounts that were covered by this requirement were the four Ernest Stevens charities, King George V Park and Homer Hill Recreation Ground. It was noted that the Trustee's Annual Report, full accounts and the signed Independent Examiner's Report on the accounts for the six charities, were included in Appendices 1-6.

The accounts had been subjected to an audit review over the summer and had been signed off by the Head of Audit Services to provide the Trust with the reassurance that the content within the accounts was correct.

Referring to paragraph 4 of the report submitted, it was noted that all of the Trusts were maintained by the Council in relation to buildings and grounds maintenance and was shown in the accounts as costs but were 'netted off' by an equivalent contribution from the Council as income.

In referring to paragraphs 5 and 6 of the report, it was noted that grants could be issued in relation to Stevens Park and Recreation Ground Foundation Trust, Wollescote, and the Committee were reminded that in 2022/23 a grant of £5,000 had been awarded to Wollescote Hall Bowls Club, and this amount was shown on pages 29 and 39 of Appendix 1.

In relation to grants, it was noted that in any future applications received by the Trust, an updated calculation would be undertaken to ensure that there were sufficient funds in the accounts, given the high level of inflation over previous years. The Committee was advised that one grant request had been received recently and would be considered before being submitted to the Committee for consideration.

In conclusion, the Senior Principal Accountant advised that no significant issues needed to be brought to the Committee's attention from the report, and subject to the Committee's approval of the report, the accounts in the Appendices, and the Trustee's Annual Report, the documents would be uploaded on to the Charity Commission's website by 31st January, 2024.

In response to queries raised by Mrs H Rogers in relation to the accounts on pages 77 and 84 regarding the income from the café in Mary Stevens Park and information missing in relation to Homer Hill Park on page 146, the Senior Principal Accountant undertook to review the issues raised and amend if necessary for the final accounts.

Referring to the value of volunteers' contributions, Councillor T Crumpton requested that for the accounts going forward, a calculation be undertaken to quantify how much the volunteer's hours were worth to the Council. In response, the Parks Development Manger advised that Friends Groups and other organisations could be contacted to retain records of volunteer's hours to enable them to be quantified for the accounts going forward.

Resolved

- (1) That, subject to any necessary revisions arising from the clarification of the issues referred to above, the Committee approve the accounts of the Trusts for 2022-2023, on behalf of the Council, in their capacity as Trustees.
- (2) That the Chair be authorised to sign the accounts.

- (3) That the Senior Principal Accountant be requested to include information in the accounts going forward in relation to the value of volunteer's contributions to the Council.
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62 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 7.10pm.

CHAIR

**Minutes of the Licensing Sub-Committee 1
Thursday, 5th October 2023 at 10.00 am
In Committee Room 2, The Council House, Priory Road,
Dudley**

Present:

Councillors T Creed, M Howard and K Razzaq

Officers: -

S Smith (Team Manager - Licensing and Waste Enforcement), T Holder (Solicitor) and K Taylor (Senior Democratic Services Officer).

27. **Election of Chair**

It was noted that Councillor K Razzaq was elected Chair for this meeting of the Sub-Committee only.

(Councillor K Razzaq in the Chair)

28. **Apology for Absence**

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

29. **Appointment of Substitute Member**

It was noted that Councillor K Razzaq was appointed as substitute Member for Councillor A Lees for this meeting of the Sub-Committee only.

30. **Declarations of Interest**

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

31. **Minutes**

Resolved

That the minutes of the meeting held on 1st June, 2023, be approved as a correct record, and signed.

32. **Change in Order of Business**

Pursuant to Council Procedure Rule 1(c), it was:-

Resolved

That Agenda Item No. 6 – Application for Grant of a New Premises Licence – Quickstop Convenience Store (UK) Ltd, 25 Park Road, Brierley Hill be considered as the next item of business.

33. **Application for Grant of a New Premises Licence – Quickstop Convenience Store (UK) Ltd, 25 Park Road, Brierley Hill**

A report of the Interim Service Director of Environment was submitted on an application for the grant of a new premises licence in respect of the premises known as Quickstop Convenience Store (UK) Ltd, 25 Park Road, Quarry Bank, Brierley Hill.

The following persons were in attendance, at the meeting:

Mr A Khattak (Solicitor on behalf of the Applicant)
Mr I Afzal (Applicant) together with a supporter
Mr K Maan (Environmental Health and Trading Standards)
Ms K Turley and Ms D Jenkins (West Midlands Police)
Mr N Slym (Licensing and Waste Enforcement)

Following introductions, the Team Manager – Licensing and Waste Enforcement presented the report on behalf of the Council.

Mr K Maan although acknowledged that this was a new application being considered, stated that he wished to bring Mr Afzal's previous conduct to the attention of the Sub-Committee. He then presented the representations of Environmental Health and Trading Standards relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003.

It was noted that on 8th October, 2020, a male alleged to be Mr I Afzal began shouting at Food Enforcement Officers which resulted in a warning marker being placed on the premises to ensure that two Officers were in attendance during any visits.

The Sub-Committee were advised that on 15th December, 2021, 53 illegal e-cigarettes, where the tank size exceeded 2ml were seized from the premises, and a subsequent warning letter issued on 6th July, 2022, however no response was received from the Premises Licence Holder.

Having received a number of complaints alleging that the premises continued to sell illegal e-cigarettes, a 16 year old male test purchaser entered the premises on 10th July, 2023, to attempt to purchase a disposable e-cigarette containing nicotine. An employee identified as Ms S Paul, believed to be the partner of Mr Afzal, advised the volunteer to purchase a 3,500 puff disposable e-cigarette as it would last longer. Following the test purchase and having entered the premises, Ms Paul was cautioned, informed of the sale, and was questioned where the illegal e-cigarettes were stored. Ms Paul denied selling illegal e-cigarettes and having any in stock, however following an inspection of the premises, a further 2 illegal e-cigarettes were seized. At this point, Ms Paul became obstructive, refusing to show identification and assist in questions asked by Trading Standards Officers.

Following the seizure of the illegal e-cigarettes, laboratory tests identified that they contained traces of lead and nickel metals.

It was noted that on 9th August, 2023, Trading Standards visited the premises to enquire whether Ms Paul and Mr Afzal would require a training course provided by Trading Standards on underage sales and illegal e-cigarettes. Having identified themselves, Trading Standards Officers received hostility and were accused of being aggressive on 10th July, 2023. During the visit, Mr Afzal refused to disclose Ms Paul's location and claimed that she no longer worked at the premises and denied that he committed any offences for allowing the illegal e-cigarette to be sold to a child.

In concluding, Mr Maan confirmed that following the visit on 9th August, 2023, both Mr Afzal and Ms Paul were interviewed under Caution and admitted offences for allowing an illegal e-cigarette to be sold on 10th July, 2023.

Ms K Turley then presented the representations of West Midlands Police relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003, and in doing so strongly recommended that the application for a premises licence be refused.

Mr N Slym then presented the representations on behalf of the Licensing Authority and in doing so advised that the premises had previously been licensed under Quickstop Enterprise Ltd, however that licence was suspended on 7th May, 2021 due to non-payment of annual fees. It was noted that the Company was dissolved on 12th October, 2021, and as there was no application to transfer the licence or an interim authority notice submitted, the premises licence subsequently lapsed, as per Section 27 of the Licensing Act 2003.

It was noted that during a visit to the premises on 17th July, 2023, alcohol was displayed therefore Mr Afzal was advised that as there was no existing Premises Licence granted, all alcohol must be removed from display.

Mr Slym raised concerns that it was apparent that the premises had been operating without a licence for some time and that the application submitted did not mitigate risks or give confidence that the Licensing Objectives would be upheld.

In referring to representations submitted on behalf of the applicant, Mr Slym contested claims that there had been no complaints or difficulties associated to the existing premiss. He also confirmed that the applicant had not requested to discuss operating conditions with responsible authorities.

In responding to a question by the Solicitor, Mr Slym confirmed that training records had not been requested of Mr Afzal as the premises did not have a valid premises licence therefore compliance visits would not have been undertaken by Licensing Officers.

In responding to a question by Mr Khattak, Mr Maan described the behaviour demonstrated by Mr Afzal during the visit to the premises on 9th August, 2023.

It was also confirmed by Mr Khattak that the representations submitted on behalf of the applicant was produced on a standard template and included some references that did not relate to Mr Afzal's application.

Mr A Khattak then presented the case on behalf of his client, Mr I Afzal, and in doing so requested that the Sub-Committee consider the application afresh without the initial representations of the responsible authorities. It was noted that Mr Afzal had been granted a Personal Licence and although there had been alleged offences committed, Mr Afzal had not been convicted or cautioned.

Mr I Afzal then read out a statement advising that he had operated at the premises since November, 2021 and that the application was due to be heard on 26th September, 2023, however the meeting was adjourned until today. He reported that there had been a premises licence in operation between 2006 and 2021, and that it was his understanding that the previous owner agreed to manage the hand-over and arrange payments as needed during the exchange. Mr Afzal acknowledged that this had not occurred and that he had been misguided.

Mr Afzal considered the application to be a modest one and that the business was not a pub or drinking establishment and stated that there had not been any complaints or difficulties relating to the premises and requested the Sub-Committee to consider the factual information presented only.

Mr Afzal stated that he was a man of good character and conviction and although he acknowledged full responsibility of his behaviour pre-application, he refuted claims that he was aggressive. He referred to the local support for the application to be granted and that the representations made by the Police and Children Services should be weighed against residents that had not raised any objections.

The Sub-Committee were advised that Mr Afzal would agree to additional operating conditions being attached to the licence should it be deemed necessary to promote the Licensing Objectives further. It was confirmed that all staff would receive documented training on their responsibilities under the Licensing Act 2003 with refresher training delivered every six months. A daily incident log would also be maintained at the premises to record all crimes reported to the venue, any complaints received and refusals of the sale of alcohol. It was also noted that no children under the age of 16 would be allowed on the premises after 11pm unless accompanied by an adult.

In concluding, Mr A Khattak emphasised the submissions made by Mr Afzal and requested that the Sub-Committee consider the application afresh and allow the business to thrive and generate income. He also stated that it was not Mr Afzal's intention to sell illegal e-cigarettes.

In responding to a question raised by the Solicitor, the Team Manager - Licensing and Waste Enforcement confirmed that Mr Afzal was granted a Personal Licence by Dudley Council on 1st August, 2023.

Following comments made, Mr Maan raised concerns of the standard template submitted on behalf of Mr Afzal and confirmed that Mr Afzal, alongside Ms Paul, were interviewed under caution as part of a further investigation. He also reported that there was admission by Mr Afzal of the sale of an illegal e-cigarette which resulted in a warning letter being issued.

In responding to a question raised by Mr Slym in relation to the illegal e-cigarettes being stored under the counter, Mr Afzal stated that he had received difficult news regarding his health which affected his supervision duties during that time.

In responding to a question raised by Councillor T Creed, Mr Afzal confirmed that he had written his statement with assistance from his Solicitor.

It was noted that Mr Afzal had purchased the illegal e-cigarettes from a trader that had visited the premises.

All parties were provided with the opportunity to sum up their cases, and all confirmed that they had received a fair hearing, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented by all parties at the meeting, the application for the grant of a new premises licence in respect of the premises known as Quickstop Convenience Store (Ltd) 25 Park Road, Brierley Hill, be refused.

Mr I Afzal was informed of his right to appeal the decision of the Sub-Committee.

34. **Notice of Temporary Event – Cocktails and Dreams, 19 Bilston Street, Sedgley, DY3 1JA**

A report of the Interim Service Director of Environment was submitted on a Notice of Temporary Event (TEN's), served on the Council by Mr C Bates, in respect of the premises known as Cocktails and Dreams, 19 Bilston Street, Sedgley, DY3 1JA.

The following persons were in attendance, at the meeting:

Mr C Bates (Applicant) together with two supporters
Ms C Vaughan (Environmental Health and Trading Standards)
Ms K Turley and Ms D Jenkins (West Midlands Police)
Mr N Slym (Witness of West Midlands Police)

Following introductions, the Team Manager – Licensing and Waste Enforcement presented the report on behalf of the Council. It was noted that the Notice of Temporary Event received was as follows:

Supply of Alcohol / Regulated Entertainment / Late Night Refreshment

Halloween Weekend Event
27th October, 2023 until the 29th October, 2023
11.00 hrs until 17.30hrs Supply of Alcohol
23.00 hrs until 00.30hrs Supply of Alcohol
23.30 hrs until 00.30hrs Late Night Refreshment
11.00hrs until 00.30 Music

It was noted that the premises licence in respect of Cocktails and Dreams was revoked by the Licensing Sub-Committee on 1st June, 2023, however the premises were currently operating under appeal allowing them to trade for the following days and times:

Supply of Alcohol	Monday to Sunday 17.30 until 23.00
Late Night Refreshment	Monday to Sunday 23.00 until 23.30

It was further reported that objection notices to the TEN's were received from Environmental Safety and Health on the grounds of prevention of public nuisance and the West Midlands Police on the grounds of prevention of crime and disorder and the protection of children from harm.

Ms C Vaughan presented submissions in relation to the objection raised referring to previous TEN's granted to Mr Bates that had resulted in a number of complaints submitted to Environmental Health from residents in the area reporting noise disturbances. It was noted that whilst Mr Bates was operating the premises under appeal, a further noise complaint had been received and was currently under investigation.

Reference was also made to a video on the Facebook page of Cocktails and Dreams showing a DJ in the DJ booth at the rear of the premises with club style music playing and disco lighting, which contravened the condition attached to the premises licence prohibiting DJs at the premises. This further demonstrated Mr Bates inability to adhere to the conditions of the premises licence and therefore there was no confidence that the Licensing Objectives would be upheld should the temporary event notice be granted.

Ms D Jenkins then presented the representations of West Midlands Police relating to the prevention of crime and disorder and the protection of children from harm under the Licensing Act 2003, and in doing so referred to the revocation of the premises licence by the Licensing Sub-Committee on 1st June, 2023, on the grounds of breaches of conditions of the premises licence which constituted criminal offences and the Premises Licence Holder failure to uphold the Protection of children from harm Licensing Objective.

It was noted that a compliance visit was undertaken on 7th September, 2023 where it was identified that the condition of licence relating to Closed-Circuit Television (CCTV) recording for 28 days was still not being complied with. Mr Bates advised the Licensing Enforcement Officers that one of the CCTV cameras had failed to record for the required timescale due to a power cut on Bilston Street, Sedgley on 21st August, 2023. Ms Jenkins advised, however, that following further investigation, National Grid had confirmed that no power cut had been recorded during that time.

In concluding, Ms Jenkins further raised concerns in relation to the video of a DJ present at the premises which contravened the condition of licence, and confirmed that the position of West Midlands Police had not changed since the Committee hearing on 1st June, 2023 and that they had no confidence in Mr Bates upholding the Licensing Objectives.

Mr N Slym, as witness for the West Midlands Police, referred to the unusual circumstances of a temporary event notice application being considered following the revocation of a premises licence and suggested that sufficient evidence had not been submitted to support the application. It was noted that a separate investigation was being undertaken in relation to security at the premises.

In responding to a question raised by Mr Bates, Ms Vaughan confirmed that one complaint had been received by Environmental Health during August, 2023 in relation to noise from the premises which had not yet been substantiated. In responding, Mr Bates suggested that he had been targeted with false allegations and that he had CCTV footage evidencing that the premises were closed at the time stipulated by the complainant.

In responding to comments made with regard to the breach of the premises licence conditions prohibiting DJs at the premises, Mr Bates referred to the revised guidance issued under section 182 of the Licensing Act 2003. Paragraph 16.36 indicated that any existing licence conditions (or conditions added on a determination of an application for a premises licence) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day when three conditions were met. Mr Bates stated that following discussions with Licensing Enforcement Officers, it was considered that the DJ was allowed to proceed at the premises in accordance with the conditions stipulated in the Licensing Act 2003.

Following further discussion, the Solicitor referred to the complaint received by Environmental Health in August, 2023 which had not been substantiated and confirmed that the Sub-Committee accepted that the complaint would be considered as an allegation only.

In presenting his case, Mr Bates referred to the objections received relating to the protection of children from harm and prevention of crime and disorder, and although he acknowledged that children were present at the premises, refuted claims that they were not supervised by an adult. He assured the Sub-Committee that he was compliant as Premises Licence Holder.

In responding to comments made, Mr Slym confirmed that during a compliance visit on 7th September, 2023, two CCTV cameras had footage recorded covering 7 days and 16 days respectively. Although Mr Bates had claimed that a power cut had occurred, there was no record or confirmation by National Grid of a power cut within the premises, street or neighbouring properties.

All parties were provided with the opportunity to sum up their cases, and all confirmed that they had received a fair hearing, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented by all parties at the meeting, the notice of temporary event in respect of the premises known as Cocktails and Dreams, 19 Bilston Street, Sedgley, DY3 1JA, be refused and a counter notice issued in light of the information presented in relation to the previous temporary event notices that had taken place and the ongoing investigations, in which the Sub-Committee considered that approval of the notice of temporary event served by Mr Bates could lead to crime and disorder and placing children at risk of harm.

Mr C Bates was informed of his right to appeal the decision of the Sub-Committee.

35. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 12:01 pm

CHAIR

**Minutes of the Licensing Sub-Committee 3
Tuesday, 24th October, 2023 at 10.00 am
In the Council Chamber
at the Council House, Priory Road, Dudley**

Present:

Councillor M Evans (Chair)
Councillors K Denning and A Goddard

Officers:

N Slym – Assistant Team Manager (Waste, Fleet and Licensing) (Directorate of Environment), S Wright – Solicitor and K Malpass – Democratic Services Officer (Directorate of Finance and Legal).

16. **Apology for Absence**

There were no apologies for absence for this meeting of the Sub-Committee.

17. **Appointment of Substitute Member**

There were no substitute Members appointed for this meeting of the Sub-Committee.

18. **Declarations of Interest**

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

19. **Minutes**

Resolved

That the minutes of the meeting held on 5th September, 2023, be approved as a correct record, and signed.

20. **Review of a Premises Licence – The Broadway Service Station, 154 South Road, Stourbridge**

A report of the Interim Service Director of Environment was submitted on an application for the review of the premises licence in respect of The Broadway Service Station, 154 South Road, Stourbridge.

The following persons were in attendance, at the meeting: -

Mr P S Virdee (Premise Licence Holder)
Mrs Virdee (Premises Licence Holder's wife)
Ms K Turley (West Midlands Police)
Mr R Jones (Environmental Health and Trading Standards)

Following introductions, the Assistant Team Manager (Waste, Fleet and Licensing) presented the report on behalf of the Council. Members were advised that on 11th July, 2023, Walsall Magistrates Court considered an application from Dudley's Environmental Health and Trading Standards under Section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 to close the premises for a three month period due to nuisance, crime and disorder to the local community. The application was approved and the premises was ordered to close until 11th October, 2023. An extension to the previous Closure Order was applied for on 11th July, 2023 by Environmental Health and Trading Standards and approved by Dudley Magistrates Court on 20th October, 2023 for a further three month period and was due to expire on 10th January, 2024.

The Premises Licence Holder confirmed that he would not be supported at the meeting by a legal representative.

Mr R Jones presented the representations of Environmental Health and Trading Standards which related to the Prevention of Crime and Disorder and the Protection of Children from Harm licensing objectives under the Licensing Act 2023. The Premises Licence Holder had failed to uphold both objectives due to a number of incidents that had occurred which amounted to criminal behaviour at the premises following the sale of the business in November 2022 to Mr S Mehmud and Mr R Salar.

Members were then provided with a summary of nuisance, crime and disorder that occurred at the premises which had been submitted to the Magistrates Court to support the Closure Order application as detailed below.

It was noted that on 11th April, 2023, at 18.40 hours, Trading Standards had visited the premises to conduct a test purchase following several complaints received from members of the public that staff had been supplying children with disposable e-cigarettes and that the premises stocked and sold illegal over-sized e-cigarettes. During the test purchase, two sixteen year old child volunteers were sold an Elf Bar, Cherry Flavour disposable e-cigarette, containing 2% of nicotine for £5.00. The seller failed to ask the volunteers for identification and following the test purchase two Trading Standards Officers entered the premises, identified themselves to the seller, informed the seller of the underage sale and carried out an inspection of the premises under the Consumer Rights Act 2015. During the inspection, Mr R Salar had entered the premises and became aggressive and obstructive, filming officers on his mobile telephone and using offensive language towards the officers which had resulted in an officer being assaulted. West Midlands Police were called to the premises where details of the offending parties were recorded. The inspection found a large amount of illegal over-sized e-cigarettes and prior to leaving the premises, officers advised the owners on the legislation relating to disposable e-cigarettes, specifically that any e-cigarette over 600 puffs was illegal to supply to the public.

Following the inspection, it was reported that all e-cigarettes seized had been illegal and the tank size exceeded the 2ml legal limit resulting in a breach of Regulations 36, 48(d) and 51 of the Tobacco and Related Products Regulations 2016.

The Sub-Committee were further advised that on 18th April, 2023 at 12.10 hours, a Trading Standards Officer conducted a test purchase at the premises where the seller had sold the Officer an illegal R and M Tornado disposable e-cigarette containing 2% nicotine and 700 puffs and a pack of counterfeit Polish Malboro Gold cigarettes. Following the seizure, officers were prevented from entering the premises to conduct an inspection under the Consumer Rights Act 2015 as the security shutters were activated, locking the owners inside, however, counterfeit tobacco had been received from the empty flat directly above the establishment that was rented by Mr S Mehmud and Mr R Salar.

The Sub-Committee were advised that following a subsequent examination of the seized products, all products had been counterfeit or illicit in nature which was a breach in the Trade Marks Act 1994 and/or Tobacco and related Products Regulations 2016.

It was noted that on 25th April, 2023 at approximately 12.12 hours, a surveillance operative entered the premises and was sold an Elux Legend 3500 puff, containing 2% nicotine disposable e-cigarette. The tank size of the e-cigarette sold exceeded the legal 2ml limit which breached Regulations 36, 48(d) and 51 of the Tobacco and Related Products Regulations 2016.

On 1st May, 2023 at approximately 13.48 hours, a surveillance operative entered the premises and was sold a packet of counterfeit Lambert and Butler cigarettes which had breached the Trade Marks Act 1994.

It was noted that on 16th May, 2023, following the incident where officers were prevented from entering the premises, Trading Standards Officers, assisted by Officers from West Midlands Police, executed search warrants granted by Dudley Magistrates Court at the premises following suspected storage and sale of illegal tobacco and disposable e-cigarettes. During the search, a small amount of counterfeit cigarettes and illegal oversized e-cigarettes were recovered from the premises and a large amount of illegal oversized e-cigarettes and counterfeit tobacco from a motor vehicle and residential property, both of which were associated with the shop premises and business operators.

On the 19th June, 2023, a 15 year old test purchaser was sold a can of 4% alcohol by volume, namely Strongbow Cider, by a male identified to be Mr S Mehmud.

In concluding, R Jones indicated that it had been proven that the premises was being used to sell counterfeit tobacco and illegal e-cigarettes to the general public on a number of occasions, which had ultimately led to a Closure Order being granted for a period of six months. Members were advised that the maximum period of time that a Closure Order could be applied for was six months and following the expiry of the Order on 10th January, 2024, it was envisaged that Mr Mehmud and Mr Salar would continue to operate the premises in an illegal manner. Whilst it was accepted that the Licence Premises Holder (PLH), Mr Virdee had been very accommodating to Environmental Health and Trading Standards, it was evident that he had no involvement in the management or operation of the premises. The lack of positive action taken by the PLH to prevent illegal activity and to uphold the licensing objectives in relation to prevention of crime and disorder and protection of children from harm was concerning and the Sub-Committee were urged to consider the revocation of the Premises Licence in respect of The Broadway Service Station, 154 South Road, Stourbridge.

Whilst the PLH had no specific questions in relation to the case outlined by Environmental Health and Trading Standards, Mrs Virdee indicated that both the PLH and the Designated Premises Supervisor (DPS), Mr J Singh, had no knowledge of the products being stored or sold at the premises or at the private address of the DPS. R Jones indicated that the DPS would be interviewed during the ongoing criminal investigations in relation to the criminal activity conducted at the premises.

In response to a question from Councillor A Goddard, R Jones indicated that investigations into the landlord/owner of the premises would have taken place shortly after the first incident was reported on 11th April, 2023. Tenancy agreements and information from HM Land Registry was requested and following further investigations, it revealed that Mr Mehmud and Mr Salar owned the flat above the premises, a hair salon and a car wash.

In responding to a number of questions raised by Councillor K Denning, R Jones confirmed that Mr Salar held a personal licence, however, no paperwork had been requested at any time as Mr Salar did not hold the position of DPS or PLH at the premises. Mr Mehmud and Mr Salar had leased the property from Mr Virdee, however, he remained the PLH. The boxes that had stored the illegal e-cigarettes and counterfeit tobacco had been significant in size, which would have amounted to hundreds of thousands of pounds worth of sales had the seizures not been made. In responding to a further question from Councillor K Denning, R Jones confirmed that make up or any products that enhanced the age of children used during test purchase operations was not permitted.

K Turley, West Midlands Police shared her concerns and supported the representations submitted by Environmental Health and Trading Standards. It was reported that the Premises Licence Holder, Mr Virdee had been involved with the business throughout the time in which Mr Mehmud and Mr Salar had owned the business and had failed to operate the premises lawfully or uphold the Prevention of Crime and Disorder and the Protection of Children from Harm licensing objectives.

The Head of Safeguarding and Quality Assurance was not in attendance at the meeting due to illness, however, representations had been submitted with the documentation and circulated to all parties prior to the meeting. The representation referred to the owners failure to uphold the Protection of Children from Harm licensing objective by the numerous sales of alcohol and illegal e-cigarettes to children on the licensed premises. There were clear conditions in place preventing the sale of alcohol to those under the age of 18 and having reviewed the documentation submitted by Environmental Health and Trading Standards, supported the revocation of the premises licence.

The Sub-Committee agreed for Mrs Virdee to make representations of behalf of the PLH. Mrs Virdee indicated that The Broadway Service Station had been operated as a family business for thirty-five years by the PLH and the current DPS. The business had a good reputation with the community and had always operated in line with the four licensing objectives. Concerns had been identified since the current owners had purchased the premises and whilst apologies were made on behalf of the criminal activity being conducted at the establishment, it was considered that the events which had resulted in a Closure Order being granted should not damage Mr Virdee's character and reputation as he had no knowledge of the activity being carried out at the premises. Mrs Virdee indicated that a reliable tenant, that the family had known for twenty years, was interested in leasing the premises and urged the Sub-Committee not to revoke the premises licence as it would significantly impact on the future management and financial arrangements of the premises.

Councillor K Denning queried what measures had been put in place to prevent any illegal or criminal activity occurring at the premises in future. In responding, Mrs Virdee indicated that the potential tenant had been known to the family for twenty years, held a personal premises licence and had not been involved in any police investigations. She assured the Sub-Committee that the potential licensee was reliable and would operate the premises in line with the four licensing objectives.

Councillor M Evans repeatedly asked what measures had been put in place to address any criminal activity at the premises. Whilst Mrs Virdee indicated that the PLH had supported the Closure Orders, which would allow sufficient time to source a reliable licensee for the premises, the Sub-Committee were informed that no action had been taken to date to address the issues.

In responding to questions from Councillor A Goddard, the PLH assured the Sub-Committee that no connection had been made with the current owners of the premises since the initial Closure Order was granted on 11th July, 2023. Whilst it was noted that Mr Mehmud and Mr Salar had indicated that it was their intention to manage the operation of the premises when the Closure Order had expired, no threatening behaviour had been observed.

It was queried by the Assistant Team Manager (Waste, Fleet and Licensing) and clarified by Mrs Virdee that Mr Mehmud and Mr Salar had requested £150,000 to terminate the current lease agreement. However, following investigations by the PLH's solicitor, it had been established that a legal lease contract had not been entered into resulting in Mr Mehmud and Mr Salar not being entitled to any financial settlement.

In responding to a query from S Wright, the PLH outlined the financial benefits should the premises licence continue at the premises. S Wright indicated that it was evident that the licensing objectives had not been upheld and no action taken to prevent any criminal activity taking place at the premises whilst Mr Virdee was the PLH. Mr Virdee acknowledged that having taken no preventative measures to address the criminal activity taking place, he had disregarded his responsibilities as PLH of the premises.

R Jones was then provided with the opportunity to sum up the case on behalf of Environmental Health and Trading Standards and in doing so reiterated concerns raised previously in the meeting. He reported that Mr Mehmud and Mr Salar had taken ownership of the Broadway Service Station with no formal legal agreement having been entered into. The criminal activity that had taken place at the premises had resulted in ongoing criminal investigations that could potentially lead to prosecution. The Closure Orders that had been granted by Walsall and Dudley Magistrates Court on 11th July and 20th October, 2023 was considered the most effective and immediate method to cease trading which had temporarily prevented sales of illegal e-cigarettes and counterfeit products being sold to patrons.

Whilst R Jones was sympathetic towards to PLH, he indicated that the overall control of the premises had remained with the PLH who had allowed the activity to take place at the premises. The establishment had previously been successfully operated as a family run business, however, since the business had been managed by Mr Mehmud and Mr Salar, hundreds of thousands of pounds worth of illegal sales had been made. Mr R Jones acknowledged the benefits of allowing the premises licence to remain in place, however, he indicated that the premises required a “clean break” to enable Mr Mehmud and Mr Salar to be removed from any responsibility of the premises and requested that the Sub-Committee consider the revocation of the premises licence.

K Turley echoed the comments made above and requested that the Sub-Committee consider the revocation of the premises licence.

The PLH and Mrs Virdee was then provided with the opportunity to sum up their case and urged the Sub-Committee to allow the premises licence to remain in place at the premises whilst the process to transfer the premises had taken place. Members were provided with a guarantee that Mr Mehmud and Mr Salar would not gain entry to the premises in future, however, should the Sub-Committee decide to revoke the premises licence, whilst it would have financial repercussions for the family, it would be accepted.

S Wright provided legal advice and all parties confirmed that they had received a fair hearing and sufficient opportunity to present their cases. All parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Solicitor outlined the decision.

Resolved

That, following careful consideration of the information contained in the report submitted and as presented at the meeting, the premises licence in respect of The Broadway Service Station, 154 South Road, Stourbridge, be revoked.

Reasons for the Decision

The Sub-Committee considered its powers as set out in the report submitted to the meeting, together with the paperwork submitted and representations made by all parties at the hearing.

The Solicitor to the Sub-Committee provided legal advice, which was given in public session. The Sub-Committee, in making its decision, had regard to the Section 182 Statutory Guidance and carried out the functions under the Licensing Act with a view to promoting the licensing objectives and taken account of the Human Rights Act 1988, as set out in paragraph 2.5 of the Licensing Policy.

The Sub-Committee had taken such steps as they considered appropriate for the prevention of crime and disorder and the protection of children from harm.

In considering the evidence, the Sub-Committee noted:

- The six events contained within the application for review, as set out in pages 25 – 28 of the Sub-Committee report.
- The bundle for the application for a Closure Order, heard on 11th July and the continuation of that order.
- The summary of the application made by the representative from Trading Standards.
- The Closure Order made on 11th July 2023.
- The continuation of the Closure Order on 20th October 2023.
- The matters that came before the Sub-Committee, when the six events above, were also considered, when the Sub-Committee refused a transfer of the premises licence and a variation of the DPS.
- The representations in support of the application to review, put forward by the West Midlands Police and as read out by a representative from West Midlands Police.
- The letter from the Directorate of Children's Service supporting the application to review.
- The representations put forward by the premises licence holder. Such representations were focused on the wish to avoid a revocation in order to sell the business with a licence rather than anything in connection with the promotion of the licensing objectives.

The Sub-Committee could clearly see that the premises were indeed in the grips of an organised crime gang and was selling illegal tobacco and vapes to the public.

The Sub-Committee noted child volunteers had been used by Trading Standards to purchase alcohol and also to purchase vapes containing nicotine.

Paragraph 11.27 of the Section 182 Guidance stated certain criminal activities that may arise in connection with licensed premises should be treated particularly seriously. These are the use of the licensed premises:

- For the illegal purchase and consumption of alcohol by minors.
- As the base for the organisation of criminal activity.
- For the sale or storage of smuggled tobacco.

It was clear that the licensing objectives mentioned to the Sub-Committee were not being promoted.

The Sub-Committee were of the view that the appropriate step for them to take was to revoke the licence.

The revocation would not have effect until the end of the period given for appealing against the decision or if the decision was appealed against, until the appeal was disposed of.

The premises licence holder, responsible authorities and the applicant were informed of their right of appeal the decision of the Sub-Committee under section 181 of the Licensing Act.

An appeal must be commenced by notice of appeal to the Black Country Magistrates' Court in Dudley Magistrates within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which was being appealed.

21. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 11.25am

CHAIR

**Minutes of the Planning Committee
Wednesday 18th October 2023 at 6.00pm
In the Council Chamber, The Council House,
Dudley**

Present:

Councillor D Harley (Chair)
Councillor M Webb (Vice-Chair)
Councillors H Bills, S Bothul, B Challenor, P Drake, P Miller and K Razzaq.

Officers:

T Morris and I Lowe (Principal Planning Officers), J Todd (Development Manager) - All Directorate of Regeneration and Enterprise, G Breakwell (Solicitor) and K Buckle (Democratic Services Officer) - both of the Directorate of Finance and Legal Services.

23. Apology for Absence

An Apology for absence from the meeting was submitted on behalf of Councillors E Taylor

24. Appointment of Substitute Members

There were no substitute members appointment for this meeting of the Committee.

25. Declarations of Interest

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



at the meeting.

26. **Minutes**

Resolved

That the minutes of the meeting held on 13th September 2023, be approved as a correct record, and signed.

27. **Plan and Application to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plan and application to develop. Details of the plans and application were displayed by electronic means at the meeting.

Planning Application No. P22/1814 – 130 Stourbridge Road, Halesowen – Variation of Condition 2 of planning approval P18/1088 to substitute approved plans to allow for the installation of two sets of No. 14 ground mounted fans to the rear of the building and 3 No. transformers located to the side of the building.

Resolved

That the application be approved, subject to conditions numbered 1 to 10 (inclusive), as set out in the report submitted.

28. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 6.11pm.

CHAIR

PC/15

**Minutes of the Planning Committee
Monday 13th November 2023 at 6.00pm
in the Council Chamber, The Council House,
Dudley**

Present:

Councillor D Harley (Chair)

Councillor M Webb (Vice-Chair)

Councillors H Bills, S Bothul, B Challenor, P Drake, P Miller, K Razzaq and E Taylor.

Officers:

P Evans (Public Protection Officer), I Grove (Principle Environmental Health Officer), - Both Directorate of Public Health and Wellbeing, P Reed (Principal Planning Officers), J Todd (Development Manager) – Both Directorate of Regeneration and Enterprise, G Breakwell (Solicitor) and L Jury (Democratic Services Officer) - Both Directorate of Finance and Legal Services.

29. **Apologies for Absence**

There were no apologies for absence submitted to the Committee.

30. **Appointment of Substitute Members**

There were no substitute members appointment for this meeting of the Committee.

31. **Declarations of Interest**



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

32. **Minutes**

Resolved

That the minutes of the meeting held on 18th October 2023, be approved as a correct record, and signed.

33. **Plan and Application to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plan and application to develop. Details of the plans and application were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated prior to the meeting updating Members on certain information given in the report submitted. The content of the notes was taken into account in respect of the application.

The following persons were in attendance at the meeting, and spoke on the planning application as indicated: -

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P22/1180	Councillor P Lowe	Rawdon Gascoigne

Planning Application No. P22/1180 – Pegasus Grab Hire, Bott Lane, Lye, Stourbridge, DY6 7AW – Section 73 application for the variation of condition 5 (to amend the hours of operation up to 1730 on Saturdays) and variation of condition 6 (to amend aggregate processing hours to between 0630 and 1800 Monday to Friday, and between 0700 and 1730 Saturdays) Planning Permission P20/1801 and an additional condition in relation to the management of dust and dirt on the public highway.

In considering the application, Members considered speakers comments both for an against the application.

A local Ward Councillor speaking against the proposal reported a significant number of concerns that had been raised by local residents regarding noise, dust and lack of adherence to current opening hours. Concerns were also raised with regard the alleged lack of engagement of the operating company with the local community.

In support, Mr R Gascoigne addressed the Committee and in doing so, advised that his client welcomed the recommendation. Whilst he expressed concerns that he believed some of the conditions were unnecessary as information had already been provided.

The client advised that he did not object to the conditions referred to in respect of dust management and advised that details had been submitted to address this and advised that a wheel wash was now on site. Further he noted that the dust suppression system had been in place since the site had started operating.

Notwithstanding this, he emphasised that he was not seeking to undermine the need for appropriate conditions but needed to ensure that the site could operate sufficiently alongside the neighbouring users within the area. In regard to the principals of the extended conditions, the client considered that these aligned with how other commercial operators operated in the local area, and reference was made to confusion that may have arisen in relation to a number of other sites the client operated within the local area, under the same name, however, these sites were not covered by limitations in terms of when they could operate. It was advised that various consultees had acknowledged this point as set out in the report.

Following the speakers, members raised questions with answers provided by both the Principal Planning Officer and Principal Environmental Health Officer. Members could not support Officers recommendation and proposed an alternative reason for refusal.

Resolved

That the application be refused for reasons of:

The extension of operational hours for deliveries and despatches and for the movement and processing of aggregates may lead to additional unacceptable noise and disturbance to the detriment of residential amenity for the occupiers of properties in the vicinity of the site, contrary to Policies D2, D5 and D6 of the Dudley Borough Development Strategy.

34. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 6.20pm.

CHAIR

**Minutes of the Meeting of the Taxis Committee
Monday 2nd October, 2023 at 6.00 pm
in Committee Room 2 at the Council House, Dudley**

Present:

Councillor A Hopwood (Chair)
Councillor B Challenor (Vice-Chair)
Councillors M Aston, K Denning, W Little, J Martin, C Sullivan and A Taylor

Officers:

S Smith (Team Manager - Licensing and Waste Enforcement), N Slym (Assistant Team Manager - Licensing and Waste Enforcement), S Ahmed-Aziz (Solicitor) and K Malpass (Democratic Services Officer)

53 Apologies for Absence

Apologies for absence were received on behalf of Councillors D Harley and M Howard.

54 Appointment of Substitute Members

It was reported that Councillor C Sullivan had been appointed to serve as a substitute Member for Councillor D Harley for this meeting of the Committee only.

55 **Declarations of interest**

No Member made a declaration of interest, in accordance with the Members Code of Conduct, in respect of any matters considered at the meeting.

56 **Minutes**

Resolved

That the minutes of the meeting held on 4th September, 2023, be approved as a correct record and signed.

57 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

58 **Exclusion of the Public and Press**

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 an individual(s) as defined under Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

59 **Review of a Private Hire Driver's Licence – Mr RML**

A report of the Interim Service Director of Environment Directorate was submitted to consider the review of the private hire driver's licence issued to Mr RML.

Mr RML was in attendance at the meeting, together with the complainant, Mr MK.

Following the presentation of the report submitted, both parties confirmed that the content of the report was a true reflection of the incident that had occurred on 18th July, 2023.

The complainant, Mr MK responded to a series of questions asked by the Committee in relation to the incident. He indicated that whilst the incident had left him feeling frightened and intimidated, he accepted that Mr RML's behaviour could have been a result of him having a "bad day". Whilst Mr RML's behaviour had been deemed unacceptable, Mr MK did not wish for Mr RML's private hire driver's licence to be revoked, but a firm warning be issued as to his future behaviour and conduct. Mr RML sincerely apologised for his conduct and the way in which he had made Mr MK feel, and indicated that he had been raised to respect the elderly members of society.

Following the Committee's questions, Mr MK withdrew from the meeting.

Mr RML responded to questions raised by the Committee and accepted that his behaviour during the incident had been unacceptable and should not have occurred. He indicated that once he had realised that Mr MK was an elderly gentleman, he had calmed down immediately. Mr MK indicated that he relied on his job to enable him to provide for his family and assured the Committee that he had learned a valuable lesson from the incident, and it would not happen again.

Mr RML confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting by all parties and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided by Mr RML, the accountability and compassion that he had shown towards Mr MK and Mr MK's empathy towards Mr RML, they were satisfied that Mr RML was a fit and proper person to hold a licence and a warning be issued regarding his future conduct.

60 **Change in Order of Business**

Pursuant to Council Procedure Rule 1(c), it was:-

Resolved

That the order of business be varied and the agenda items be considered in the order set out in the minutes below.

61 **Renewal of a Private Hire Driver's Licence – Mr AK**

It was noted that the application had been withdrawn.

62 **Review of a Private Hire and Hackney Carriage Driver's Licence – Mr BD**

A report of the Interim Service Director of Environment Directorate was submitted to consider the review of the private hire and hackney carriage driver's licence issued to Mr BD.

Mr BD was in attendance at the meeting and explained the circumstances surrounding the endorsement of his Driver and Vehicle Licensing Agency (DVLA) mandate, as outlined in paragraph 4 of the report submitted, and responded to questions raised by the Committee.

Mr BD confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided and as Mr BD had not been on duty at the time the offence had been committed and that he had no previous convictions since being granted a taxi licence, the Committee were satisfied that Mr BD was a fit and proper person to hold a licence and a warning be issued regarding his future conduct.

63 **Review of a Private Hire and Hackney Carriage Driver's Licence – Mr MAA**

A report of the Interim Service Director of Environment Directorate was submitted to consider the review of the private hire and Hackney Carriage Driver's licence issued to Mr MAA.

Mr MAA was in attendance at the meeting, together with his brother Mr AA and a complainant, Mr PS.

Following the presentation of the report submitted, both parties confirmed that the content of the report was a true reflection of the incidents that had occurred on 23rd March and 25th May, 2023.

The complainant, Mr PS responded to a series of questions asked by the Committee in relation to the incident and indicated that Mr MAA's behaviour had made him feel threatened and intimidated and had been deemed unacceptable, particularly as Mr PS's role was to provide support to driver's and recommend appropriate measures following failed vehicle checks.

Mr MAA responded to questions raised by the Committee and accepted that his behaviour during the incident had been unacceptable and should not have occurred and apologised for the way he had conducted himself during the incident and assured Member's that it would not occur again. In explaining the mitigating factors, Mr MAA indicated that he had recently had a bereavement in the family and was experiencing financial and other personal issues. Mr AA indicated that whilst he accepted that Mr MAA's behaviour had been unacceptable, he apologised on his behalf and indicated that Mr MAA had learned a valuable lesson and requested that the Committee be lenient when considering the decision.

Mr MAA then answered further questions in relation to his previous convictions outlined in the Appendix to the report submitted and confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided by all parties at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that the circumstances surrounding the incident, as outlined in the report, amounted to reasonable cause to show Mr MAA was not a fit and proper person to hold a licence and therefore, the private hire and hackney carriage driver's licence issued to Mr MAA be revoked with immediate effect in the interests of public safety.

Mr MAA be informed of his right to appeal the decision of the Committee.

64 **Review of a Private Hire Driver's Licence – Mr MA**

A report of the Interim Service Director of Environment Directorate was submitted to consider the review of the private hire driver's licence issued to Mr MA.

Mr MA was in attendance at the meeting and explained in detail the circumstances following the breach of Section 73 of the Local Government (Miscellaneous Provisions) Act 1976 following the failure to report to appropriate Council premises to carry out an inspection of a vehicle following a request by an authorised officer during a Safety Operation. Mr MA indicated that whilst a reasonable consideration was agreed by the Police Officer in that Mr MA could pick up his daughter from work, he acknowledged that it was made clear that he should attend the Council premises immediately after to enable a safety check of his vehicle to be carried out. He explained the mitigating factors in relation to his failure to follow Police instructions and indicated that he was unable to contact the service to explain his non-attendance as he had not been provided with a contact number and considered it to be "too late" to undergo a safety check following the issues that had occurred whilst transporting his daughter home.

Mr MA further responded to a series of questions asked by the Committee and confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that the circumstances surrounding the incident, as outlined in the report submitted, amounted to reasonable cause to show Mr MA was not a fit and proper person to hold a licence and therefore, the private hire driver's licence issued to Mr MA be revoked with immediate effect in the interests of public safety.

Mr MA be informed of his right to appeal the decision of the Committee.

65 **Application for Grant of a Private Hire Driver's Licence – Mr MFK**

A report of the Interim Service Director of Environment Directorate was submitted to consider the application for the grant of a private hire driver's licence to Mr MFK.

Mr MFK was in attendance at the meeting, together with his Solicitor, Mr AS.

Mr AS made detailed representations on behalf of his client in relation to Mr MFK's failure to disclose his previous driving convictions, which occurred in October 2015.

Mr MFK responded to questions raised by the Committee and confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee were satisfied that Mr MFK was a fit and proper person to hold a licence given the explanation provided, therefore, the private hire driver's licence to Mr MFK, be granted.

Application for Grant of a Private Hire Driver's Licence – Mr MIH

A report of the Interim Service Director of Environment Directorate was submitted to consider the grant of a private hire driver's licence to Mr MIH.

Mr MIH was in attendance at the meeting and responded to questions raised by the Committee in relation to the conviction outlined in paragraph 3 of the report submitted.

Mr MIH confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee were satisfied that Mr MIH was a fit and proper person to hold a licence given the explanation provided and that sufficient time had lapsed since his previous conviction, therefore, the private hire driver's licence to Mr MIH be granted.

Application for Grant of a Private Hire Driver's Licence – Mr MR

A report of the Interim Service Director of Environment Directorate was submitted to consider the grant of a private hire driver's licence to Mr MR.

Mr MR was in attendance at the meeting and responded to questions raised by the Committee in relation to his failure to disclose his previous convictions as outlined in paragraph 3 of the report submitted.

Mr MR confirmed that there were no matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee were satisfied, that Mr MR was a fit and proper person to hold a licence given the explanation provided and that sufficient time had lapsed since his previous convictions, therefore, the private hire driver's licence to Mr MR be granted.

The meeting ended 9.02pm

CHAIR

**Minutes of the Meeting of the Taxis Committee
Monday 6th November, 2023 at 6.00 pm
in Committee Room 2 at the Council House, Dudley**

Present:

Councillor B Challenor (Vice -Chair in the Chair)
Councillors M Aston, K Denning, W Little, J Martin, C Sullivan and A Taylor

Officers:

N Slym (Assistant Team Manager - Licensing and Waste Enforcement), S
Ahmed-Aziz (Solicitor) and L Jury (Democratic Services Officer)

68 **Apology for Absence**

An apology for absence was received on behalf of Councillor A Hopwood.

69 **Appointment of Substitute Member**

It was reported that Councillor C Sullivan had been appointed to serve as a substitute Member for Councillor A Hopwood for this meeting of the Committee only.

70 **Declarations of interest**

No Member made a declaration of interest, in accordance with the Members Code of Conduct, in respect of any matters considered at the meeting.

71 **Minutes**

Resolved

That the minutes of the meeting held on 2nd October, 2023, be approved as a correct record and signed.

72 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

73 **Exclusion of the Public and Press**

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 an individual(s) as defined under Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

74 **Review of a Private Hire Driver's Licence – Mr SF**

A report of the Interim Service Director of Environment Directorate was submitted to consider the review of the Private Hire Driver's Licence issued to Mr SF.

Mr SF was in attendance at the meeting, together with Mr MC and Mr NM, two Kingdom Enforcement Officers, the witnesses.

Prior to the presentation of the report, the Assistant Team Manager – Licensing and Waste Enforcement, advised Members that Mr SF was originally to be represented at the meeting by his Solicitor. However, the Licensing Section had been informed that Mr SF’s Solicitor had been rushed to hospital and had requested that the review be deferred to a future meeting to be considered. Mr SF had been informed of this situation and had been asked if he wished to defer his review until he could be represented. Mr SF had requested that his review be considered on the evening of the meeting. The Solicitor advised Mr SF at the meeting of the outcomes should the decision of the Committee be to revoke his licence and he was again asked whether he wished to defer his review. In response, Mr SF again requested that his review be considered at the meeting.

Following the presentation of the report submitted, both parties confirmed that the content of the report was a true reflection of the incidents that had occurred on 4th July and 4th September, 2023.

At this juncture, bodycam footage from the Enforcement Officers that had captured the incidents on 4th July and 4th September 2023 were presented to the Committee.

The Enforcement Officers responded to a series of questions asked by the Committee in relation to the incidents. They indicated that they had felt intimidated and threatened by Mr SF’s conduct whilst performing their duties, especially in relation to the questioning of their religion and Mr SF stating that he knew where one of the officers lived. They believed that Mr SF’s conduct was not befitting of a taxi driver representing the Borough.

In response to a question raised by Members in relation to Mr SF’s conduct on the 4th July 2023, Mr SF stated that on reflection he felt that he had been a little aggressive towards the Enforcement Officers who had approached him as he was in a high state of emotion due to him attending a funeral at the time. He stated that he had lost his temper on the second occasion as he felt that the Enforcement Officer was impeding him conducting his fare. He referred to his impeccable record over 30 years as a taxi driver.

In response to a question raised by a Member, the Enforcement Officers advised that Mr SF had not made them aware that he was attending a funeral.

Mr SF responded to further questions raised by the Committee and confirmed that there were no further matters pending that needed to be brought to the Committee’s attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided by all parties at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee did not consider Mr SF to be a fit and proper person in view of the incidents that had occurred and Mr SF's behaviour shown towards the Enforcement Officers, and his contempt shown at Committee, and therefore, the private hire driver's licence issued to Mr SF be revoked with immediate effect in the interests of public safety.

Mr SF be informed of his right to appeal the decision of the Committee.

75 **Review of a Private Hire Driver's and Hackney Carriage Driver's Licence – Mr HMS**

A report of the Interim Service Director of Environment Directorate was submitted to consider the review of a Private Hire and Hackney Carriage Driver's Licence to Mr HMS.

Mr HMS and his representative were in attendance at the meeting.

Following the presentation of the report submitted, both parties confirmed that the content of the report was a true reflection of the incident that had occurred on 20th June 2023 where Mr HMS's vehicle had failed a safety check.

The representative made detailed representations in support of Mr HMS outlining the circumstances that had led up to the incident relating to the vehicle suspension and Mr HMS's confusion in relation to the immediate suspension procedure, and confirmed that before using the vehicle, Mr HMS had taken his vehicle to a garage and had the faulty tyre replaced.

Mr HMS and his representative responded to questions raised by Member's in relation to the incident and any confusion that had arisen, although it was acknowledged that Mr HMS had signed the notice of suspension that had been presented to him and acknowledging that Mr HMS had been informed by a Licensing Officer of the penalty should a driver fail to comply with the notice.

Mr HMS confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, evidence provided at the meeting and having regard to the Committee's Guidelines and Statutory Guidance, the the Committee were of the view that in accordance with Section 46 of the Local Government (Miscellaneous) Act 1976 and Section 47 of the Town and Police Clauses Act 1847, Mr HMS was not a fit and proper person to hold a licence given the explanation provided and that the public had been placed at risk and therefore, the Private Hire and Hackney Carriage Driver's Licence issued to Mr HMS be revoked with immediate effect in the interests of public safety.

Mr HMS be informed of his right to appeal the decision of the Committee.

76 Application for a Grant of a Private Hire Driver's Licence - Mr BA

A report of the Interim Service Director of Environment Directorate was submitted to consider the application of the grant of a Private Hire Driver's Licence to Mr BA.

Mr BA was in attendance at the meeting and explained the circumstances surrounding his knowledge and law tests, as outlined in paragraph 4 of the report submitted, and responded to questions raised by the Committee.

Further to a question raised by a Member, Mr BA advised that he had been residing in the United Kingdom since 2017 and was living with his family in the Borough. He had previously been employed in shop work in Dudley and now wished to become a taxi driver working for Dudley. Mr BA confirmed that he had no criminal convictions in the country in which he had previously resided but could not provide a certificate of good conduct due to there being no formal agreement between the United Kingdom and the country in which he previously resided.

Mr BA confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application. The advice of the legal advisor was that in the absence of a certificate of good conduct and with the Committee having no information as to Mr BA's history whilst in Iran, Mr BA should not be given the opportunity to take a further test and potentially obtained a licence given that the paramount duty of the Committee is public safety. The legal advisor further advised that if the Committee were determined to grant Mr BA a further opportunity to sit his test, then they could defer this item to next month to enable Mr BA to attend and provide further information such as references, character testimonials and employment history to give further detail on Mr BA's background.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided, they were satisfied that Mr BA had made sufficient progress from previous knowledge tests, therefore, the request for a further test, be granted.

77 Application for Grant of a Private Hire Driver's Licence – Mr WH

A report of the Interim Service Director of Environment Directorate was submitted to consider the application of the grant of a Private Hire Driver's Licence to Mr WH.

Mr WH was in attendance at the meeting, together with his representative.

Both Mr WH and his representative responded in detail to questions raised by Members in relation to Mr WH's previous conviction which had resulted in his licence being revoked in 2017 for a period of 16 months, as outlined in paragraph 5 of the report.

Responding to further questions raised by Members, Mr WH confirmed that he had been working as a delivery driver and now wished to return to taxi driving to support his family. He had regretted the incident which had occurred sometime ago and the emotional and financial impact that resulted from the incident on him and his family. Mr WH confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided by all parties at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that they did not consider Mr WH to be a fit and proper person in view of his previous convictions as not enough time had lapsed since his conviction, therefore, the application to grant a Private Hire Driver's Licence to Mr WH, be refused.

Mr WH be informed of his right to appeal the decision of the Committee.

78 Application for Grant of a Private Hire Driver's Licence – Mr WA

A report of the Interim Service Director of Environment Directorate was submitted to consider the application of the grant of a Private Hire Driver's licence to Mr WA.

Mr WA and his Solicitor were in attendance at the meeting.

Both Mr WA and his Solicitor made representations in support of Mr WA's application and tabled references in relation to previous employment and Mr WA's good conduct.

Mr WA further responded to a series of questions asked by the Committee explaining the circumstances surrounding his previous conviction stating that he had regretted the incident that had occurred and he was now no longer acquainted to the friend who had also been involved and he had turned his life around and now wished to become a taxi driver for the Borough to support his family.

Mr WA also confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the detailed explanation and evidence provided, the Committee found sufficiently compelling to enable them to depart from the Standards, therefore, they were satisfied that Mr WA was a fit and proper person to hold a licence and consequently, a Private Hire Driver's Licence be granted.

The meeting ended at 9.05pm.

CHAIR

1.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor Paul Bradley

Authorised By Councillor Paul Bradley, Deputy Leader (Communities and Economic Delivery)

In Consultation With Helen Martin, Director of Regeneration and Enterprise

Ward(s) Affected All

Date of Decision 26 September 2023

Reference DRE/19/2023

UK Shared Prosperity Fund – Year 2 deed of variation

1.1 That the Director of Regeneration and Enterprise following consultation with the Cabinet Member for Communities & Economic Delivery approves the Council entering into the year 2 UK Shared Prosperity Fund Deed of Variation.

1.2 That the Director of Regeneration and Enterprise following consultation with the Cabinet Member for Communities & Economic Delivery, approves the Council entering into any subsequent UK Shared Prosperity Fund Deed of Variation covering the remainder of the programme.

2.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor Paul Bradley

Authorised By Councillor Paul Bradley, Deputy Leader (Communities and Economic Delivery)

Councillor Steve Clark, Cabinet Member for Finance, Legal and Human

In Consultation With Helen Martin, Director of Regeneration and Enterprise

Helen Martin, Director of Regeneration and Enterprise

Ward(s) Affected All

Date of Decision 29 September 2023

Reference DRE/20/2023

UK Shared Prosperity Fund Dudley Impact Programme - Changes to existing Black Country Impact Delivery Model

3.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor Paul Bradley

Authorised By Councillor Paul Bradley, Deputy Leader (Communities and Economic Delivery)

In Consultation With Helen Martin, Director of Regeneration and Enterprise

Ward(s) Affected Lye and Stourbridge North

Date of Decision 16 October 2023

Reference DRE/21/2023

Lye Regeneration Programme

1.1 The Director of Regeneration and Enterprise, in consultation with the Director for Environment Transport and Highway Services; the Director for Public Health and Wellbeing; and the Director for Housing and Communities, is authorised to:

- Progress implementation of the Lye Project Plan and establish the necessary governance and delivery arrangements;
- Establish a Town Board for Lye; and
- Engage with external funders, such as West Midlands Combined Authority, to secure regeneration investment for the Town Centre through the West Midlands Devolution Deal and other funds.

4.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor Ruth Buttery

Authorised By Councillor Ruth Buttery, Children's Services and Education

In Consultation With Catherine Driscoll, Director of Children's Services

Ward(s) Affected All

Date of Decision 27 September 2023

Reference DCS/16/2023

Family Solutions – Integrated Youth Support –Duke of Edinburgh (DofE)

To cease the delivery of the Youth Service's Duke of Edinburgh (DofE) provision in line with MTFP determinations, and to support young people registered on the programme to access alternative delivery providers.

5.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor Ruth Buttery

Authorised By Councillor Ruth Buttery, Children's Services and Education

In Consultation With Catherine Driscoll, Director of Children's Services

Ward(s) Affected All

Date of Decision 03 October 2023

Reference DCS/18/2023

Pupil toilet facilities in maintained schools

Any planned refurbishments of maintained schools should provide separate pupil toilet facilities for boys and girls

Any maintained schools that have unisex pupil toilets currently installed be mandated to ensure that they are compliant with the DfE advice on Standards for School Premises (2015)

Children's Services Education are authorised to engage with Head Teachers on this mandate

6.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor Ruth Buttery

Authorised By Councillor Ruth Buttery, Children's Services and Education

In Consultation With Catherine Driscoll, Director of Children's Services

Ward(s) Affected All

Date of Decision 03 October 2023

Reference DCS/17/2023

Black Country Music Hub

Dudley MBC should apply to be the Hub Lead Organisation of the Black Country Music Hub in line with the Memorandum Of Understanding between Dudley MBC, SIPs (Sandwell), Walsall MBC and Wolverhampton MBC

Chris Jones, Head of Dudley Performing Arts is authorised to carry out this work

7.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor Ruth Buttery
Authorised By Catherine Driscoll, Director of Children's Services
In Consultation With Councillor Ruth Buttery, Children's Services and Education
Ward(s) Affected Lye and Stourbridge North
Date of Decision 27 October 2023 **Reference** DCS/19/2023

Academy Order for Thorns Primary School

- Approve the conversion of Thorns Primary, a maintained (Community) Primary school, into an Academy with effect from 1st January 2024 or within 14 calendar days of that date, where the delay has no adverse effect on the Council or the School.
- Approve the signing of a Commercial Transfer Agreement which transfers assets from the Council to Excelsior Multi Academy Trust, inclusive of any amendments recommended by the Council's Solicitor and agreed prior to it being signed.
- Approve the Council entering into a 125 Year peppercorn lease for part of the site owned by the Council with Excelsior Multi Academy Trust
- Approve the TUPE transfer of personnel from the employment of the Council to the employment of Excelsior Multi Academy Trust, under the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by The Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (TUPE)
- Approve the making of any other agreements to facilitate the transfer.

8.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor Damian Corfield
Authorised By Councillor Damian Corfield, Cabinet Member for Highways and Environmental
In Consultation With Nick McGurk, Acting Service Director - Neighbourhood Delivery
Ward(s) Affected All
Date of Decision 25 September 2023 **Reference** DPR/10/2023

LOCAL SAFETY SCHEMES - SAFE ROUTES TO SCHOOL - PEDESTRIAN PROGRAMME 23-24

That the 2023/24 locations for measures as part of the Local Safety Schemes, Safer Routes to School and Pedestrian Programme, attached as Appendices A and B, be agreed in principle subject to consultation.

That any major changes to any scheme's principles, or valid objections to the proposals resulting from consultation as part of the detailed design, be reported to the Cabinet Member for Environment, Highways and Street Services through a Decision Sheet.

9.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor Damian Corfield

Authorised By Councillor Damian Corfield, Cabinet Member for Highways and Environmental

In Consultation With Nick McGurk, Acting Service Director - Neighbourhood Delivery

Ward(s) Affected Brierley Hill

Date of Decision 27 October 2023

Reference DOE/11/2023

PROPOSED TROs - FUTURE HIGH STREETS PROJECT - BRIERLEY HILL

To introduce proposals included in the following Traffic Regulation Orders (TROs):

The Borough Council Of Dudley (Brierley Hill Area) (Various Roads) (20mph Zone) Order 2023.

The Borough Council Of Dudley (Various Street, Brierley Hill Future Streets Project) (Prohibition And Restriction Of Waiting And Loading, Disabled Parking Places, Motorcycle Parking, Loading Only And Parking Places) (Number 7 Order Type) (Brierley Hill Area) Order 2023.

10.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor M Rogers

Authorised By Councillor M Rogers, Cabinet Member for Adult Social Care

In Consultation With Matt Bowsher, Director of Adult Social Care

Ward(s) Affected All

Date of Decision 02 October 2023

Reference DAS/07/2023

Formal closure of the Cider Avenue Assisted Living Centre. return premise to Housing

Approval required to formally close the Cider Avenue Assisted Living Centre (ALC). New ways of working during and following the Covid pandemic have realised efficiencies. Remote assessments as a result of development in technology have enabled us to effectively engage with our customers. Strengths based and risk enabled assessments are being realised. Closure of the ALC will reduce expenses linked to the running of the building.

Approval for the Access and Prevention Occupational Therapy Team Manager to proceed with the logistical process of returning the site to Housing. Housing have confirmed that they would like to take over the building and return to housing stock.

Approval for excess budget of £8,000 remaining from the ALC to be repurposed into the Access and Prevention Occupational Therapy budget.

11.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor M Rogers

Authorised By Councillor M Rogers, Cabinet Member for Adult Social Care

In Consultation With Matt Bowsher, Director of Adult Social Care

Ward(s) Affected All

Date of Decision 04 October 2023

Reference DAS/08/2023

Redesign of the supported hospital pathway

Approval is sought for the adoption of a Redesigned hospital discharge pathway for Dudley residents. The changes will provide a more robust recovery, recuperation and reablement offer for people who require support.

Funding for the proposed pathway will be taken from base budget which includes BCF grant monies.

The service offered will require 108.43 FTE employees on permanent contracts.

It will also adopt national guidance to ensure people have the appropriate support at the right time at the right place.

12.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor Laura Taylor-Childs

Authorised By Councillor Laura Taylor-Childs, Cabinet Member for Housing and Safer
Councillor Steve Clark, Cabinet Member for Finance, Legal and Human

In Consultation With Kathryn Jones, Director of Housing and Communities

Jacqueline Branch, Assistant Director People and Inclusion

Ward(s) Affected All

Date of Decision 16 October 2023

Reference DOH/06/2023

Approval of flexible retirement