

COMMITTEE AND SUB- COMMITTEE MINUTES

**SEPTEMBER 2012 TO
NOVEMBER 2012**

**AND
DELEGATED DECISION
SUMMARIES**

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

LIST OF MEETINGS

<u>Committee</u>	<u>Dates</u>	<u>From</u>	<u>Pages</u> <u>To</u>
<u>AREA COMMITTEES</u>			
Central Dudley Area Committee	02/10/2012	CDAC/17	CDAC/29
North Dudley Area Committee	10/10/2012	NDAC/10	NDAC/16
Stourbridge Area Committee	15/10/2012	SAC/16	SAC/29
Halesowen Area Committee	07/11/2012	TO FOLLOW	
Brierley Hill Area Committee	08/11/2012	TO FOLLOW	
<u>SCRUTINY COMMITTEES</u>			
Health and Adult Social Care Scrutiny Committee	26/09/2012	HASCSC/8	HASCSC/11
Community Safety and Community Services Scrutiny Committee	01/11/2012	CSCSSC/12	CSCSSC/18
Environment Scrutiny Committee	05/11/2012	TO FOLLOW	
Regeneration, Culture and Adult Education Scrutiny Committee	06/11/2012	TO FOLLOW	

REGULATORY COMMITTEES

Development Control

Development Control Committee	09/10/2012	DC/36	DC/39
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Disciplinary/Dismissal/Grading

Disciplinary/Dismissal/Grading Appeals Committee	02/10/2012	DDGA/4	DDGA/6
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Licensing and Safety

Licensing Sub-Committee 3	25/09/2012	LSBC3/5	LSBC3/10
Licensing Sub-Committee 3	30/10/2012	LSBC3/11	LSBC3/25
Licensing Sub-Committee 4	02/10/2012	LSBC4/14	LSBC4/23
Licensing Sub-Committee 4	06/11/2012	TO FOLLOW	

Taxis

Taxis Committee	18/10/2012	T/30	T/37
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SHADOW DUDLEY HEALTH AND WELLBEING BOARD

Shadow Dudley Health and Wellbeing Board	01/10/2012	SDHWBB/8	SDHWBB/13
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CABINET

Meeting of the Cabinet	31/10/2012	C/17	C/24
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CENTRAL DUDLEY AREA COMMITTEE

Tuesday, 2nd October, 2012 at 6.30 p.m.
at Saltwells Education Development Centre, Bowling Green Road,
Netherton, Dudley

PRESENT: -

Councillor K Finch (Chair)
Councillor Zada (Vice-Chair)

Councillors A Ahmed, Ali, Arshad, M Aston, Cotterill, Cowell, Duckworth, Waltho and Wood; Ms Little, Mrs Oakes and Mr Rodney

OFFICERS:

The Director of Adult, Community and Housing Services (as Lead Officer to the Committee), Assistant Director (Environmental Management), the Group Engineer – both Directorate of the Urban Environment; the Policy Analyst for Communities and Resources – Directorate of Adult, Community and Housing Services; Area Team Leader for Central and Safe Provision – Directorate of Children's Services; Senior Solicitor and Mrs K Griffiths – both Directorate of Corporate Resources

ALSO IN ATTENDANCE

Julie Winpenny, West Midlands Fire Service – for Agenda Item No. 6

Councillor Tyler – for Agenda Item No. 10

7 Members of the public

24. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors K Ahmed, A Finch, Roberts, Sparks and Mr Lawley.

25. **DECLARATIONS OF INTEREST**

Ms Little declared a non-pecuniary interest in respect of Agenda Item No. 11 (Area Committee Grants) in view of the fact that she is a Governor at Castle High School.

Mr Rodney declared a pecuniary interest in respect of Agenda Item No. 11 (Area Committee Grants) in view of the fact that he is the Chief Executive of the Centre for Equality and Diversity.

26. MINUTES

RESOLVED

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

27. YOUTH SERVICE

The Area Team Leader for Central and Safe Provision gave an oral update on new projects being undertaken by the Youth Service for young people to participate in, details of which were included in handouts circulated prior to the meeting.

She referred, in particular, to the successful summer youth provision which provided young people with a variety of activities to take part in, such as, fitness workshops, two residentials, a trip to an international cricket match, theme park trips, a football competition, DJ workshops, ice skating trips, educational workshops, participation activities, girls well-being events and the redecoration project of Russells Hall Youth Centre. She stated that all activities had been well attended by local young people.

During the presentation, the Area Team Leader for Central and Safe Provision indicated that the Detached Team would be arranging an extra SRE and C card drop in at local venues. She stated that the detached team were continuing to work with groups and also engaging with new groups in different areas.

In referring to the Russells Hall Youth Centre, the Area Team Leader for Central and Safe Provision reported that the Youth Centre had received a revamp of the main hall over the summer, which young people had been involved in with the planning, design and actual work carried out. In total, she indicated that a total number of sixteen young people had helped with the painting of the hall over a five-day period. She stated that the appearance of the hall had improved and was currently waiting for some equipment to arrive and be installed to complete the project.

Reference was then made to Meadow Road Youth Centre, which was reported to have had an influx of young members accessing the Centre over the summer months. The Area Team Leader for Central and Safe Provision indicated that staff at the Centre had been working with the young people designing programmes and activities that they would like to participate in.

In referring to future developments, the Area Team Leader for Central and Safe Provision indicated that the Youth Services would be electing representatives to sit on Dudley Youth Council from the youth forum, which would hopefully generate interest by young people wishing to stand for UKYP. She indicated that if any Councillors would like to meet the youth forum, would they contact her direct and she would arrange for them to attend one of their meetings.

The Area Team Leader for Central and Safe Provision then indicated that courses were currently being delivered in the daytime around mentoring, drugs awareness and Duke of Edinburgh Award Scheme at Dudley College. This enabled the Youth Services to make new contacts with different groups of young people. She stated that the Youth Services was currently waiting for local secondary schools to contact them to confirm what areas of work the Youth Service could help them deliver.

In concluding, the Area Team Leader for Central and Safe Provision referred to the programme of activities to be undertaken in the Borough during the October half term. She stated that copies of the programme of activities would be available to Members on request.

Following the presentation, Members of the Committee expressed appreciation for all the work that had been carried out by the Youth Team to ensure that youth provision was being offered at Meadow Road Youth Centre.

A Member of the Committee referred to the good work Champions Church in Netherton carried out with young people and asked if the Youth Service would be able to provide support to the Church. The Area Team Leader for Central and Safe Provision suggested that the Member speak to her following the meeting to discuss the issue further.

In responding to a question from a Member, the Area Team Leader for Central and Safe Provision indicated that Meadow Road Youth Centre was currently not open on Friday evenings, however, the Youth Service was looking at options to extend the opening days of the Centre.

RESOLVED

That the information, as circulated prior to the meeting and reported orally, be noted.

28.

POLICE ISSUES

It was noted that there was no representative from the Police to update the Committee on current police issues in the area of the Committee.

29. FIRE SERVICE ISSUES

Ms Winpenny of West Midlands Fire Service reported on fire issues in the Central Dudley area. She indicated that the number of reported incidents had reduced compared to this time last year, although numbers of reported accidental fires in dwellings had slightly increased.

It was noted that a written question had been received prior to the meeting by a Member of the Committee in relation to obstructions to communal stairwells of high-rise flats and the input the Fire Service had had in relation to what constitutes an obstruction. Ms Winpenny apologised for not being able to provide a response on the evening, however, she undertook to investigate the issue and respond to all Members of the Committee direct.

RESOLVED

- (1) That Ms Winpenny be thanked for her presentation and that the information reported be received and noted.
- (2) That Ms Winpenny be requested to investigate what input the Fire Service had had in relation to what constitutes an obstruction in stairwells of high-rise flats and respond to all Members of the Committee direct.

30. PETITIONS

A petition had been received from residents in relation to tenancy issues. It was noted that the Directorate of Adult, Community and Housing Services was dealing with the Petition as a complaint.

The Area Liaison Officer reported that following a meeting held to discuss this matter, a number of issues had been identified and actions discussed to solve the problem. She indicated that a further meeting had been arranged for sometime in October to discuss this further.

A petition was received from residents of New Village and surrounding areas requesting that speed bumps be introduced in New Village to slow moving vehicles down, in view of the serious accident, which had recently occurred on that road. It was noted that the petition would be referred to the Directorate of the Urban Environment for consideration and response direct to the petition organiser/first named petitioner.

PUBLIC FORUM

- (1) A member of the public asked whether any positive measures had been taken to improve the traffic problems concerning Oakham Road. In responding, the Group Engineer indicated that Ward Members and officers had recently visited Oakham Road to discuss a number of possible safety measures. He confirmed that proposals were currently being considered and would be reported to Ward Members in due course. He stated that he hoped that the proposals would be incorporated in the current Local Safety Scheme. Councillor Ali reported that positive measures were being considered to improve the safety along the Oakham Road and indicated that residents would be consulted on proposals.
- (2) A member of the public expressed concern at the recent decision that Housing Officers would only be able to attend voluntary Tenants and Residents Association meetings for the first twenty minutes. He feared questions raised under any other business would either not be answered or an incorrect answer given. In responding, the Area Liaison Officer indicated that difficulties had been experienced relating to the Terms and Conditions for staff, however, she confirmed that the issue had now been addressed. She undertook to investigate the matter further and provide a written response to the questioner.
- (3) A member of the public submitted a question in relation to the introduction of three black sacks per household per week with only limited recycling facilities and whether this had impacted on fly tipping given the increase in figures reported. In responding, the Assistant Director (Environmental Management) indicated that the current statistics submitted to DEFRA had been correct and confirmed that fly tipping had reduced, however, some of the information provided by the Council had been misinterpreted. He stated that ways of improving figures further were continually being looked at. He stated that a substantial bid had been submitted and if successful, the money would be used to collect card and plastic all over the Borough with a view to improving recycling figures.

A Member of the Committee confirmed that the Local Authority was working closely with the Police prosecuting perpetrators of fly tipping.

Concerns were then raised in relation to the figures submitted and Members of the Committee and public stated that the figures should be challenged if incorrect as these figures were in the public domain.

- (4) Questions were raised by two members of the public in relation to increasing the number of Area Committee meetings per year. In responding, the Chair indicated that this issue would be discussed later at Agenda Item No. 10 (Consultation on the Review of Area Committees).
- (5) A member of the public submitted a question in relation to Netherton Library. In responding, the Area Liaison Officer indicated that there had been adequate consultation on Netherton Library and stated that she would be happy to provide the information surrounding the consultation to the questioner.
- (6) The same member of the public submitted a question in relation to the future of Netherton Arts Centre. In responding, the Area Liaison Officer undertook to arrange for a written response to be submitted to the questioner.
- (7) The same member of the public referred to the closure of Netherton toilets and asked whether there were any plans for the toilets to be re-opened. In responding, the Chair assured the questioner that serious consideration was currently being given to the re-opening of a number of toilet facilities around the Borough.
- (8) A member of the public referred to the collapsed covers of a large utilities manhole on the corner of Highfield Road and Corporation Road following a juggernaut lorry attempting to reverse his trailer into a section of Highfield Road. He stated that he had reported the incident, and although he was grateful that officers had attended the site to erect barriers, he stated that no further action had been taken. His first question referred to the timescale involved in repairing the damaged manhole and in his second question he asked whether consideration could be given to changing the location of the current 7.5 ton restriction sign in order that it could be visible to oncoming traffic.

In responding, the Assistant Director (Environmental Management) undertook to investigate the issue of the damaged manhole and respond to the questioner direct. In relation to his second question, the Group Engineer offered to meet with him on-site to discuss the possibility of changing the location of the current sign.

32. WARD ISSUES

- (a) Councillor Zada raised concerns regarding issues and incidents in relation to the Netherton area and suggested that Traffic Wardens increase surveillance.
- (b) Councillors Duckworth and Wood expressed their objection to the Hope Tavern's application to extend their licensing hours to 2.00am.

- (c) Councillor Waltho referred to the concern raised by a member of the public in relation to the collapsed covers of a large utilities manhole in Corporation Road and indicated that he had e-mailed an officer regarding the matter, however, he had received no response.
- (d) Ms Little referred to flu vaccination and urged all persons eligible to be vaccinated.
- (e) Ms Little referred to the recent introduction of a temporary vaccination programme to immunise pregnant women against whooping cough. She urged all persons eligible to be vaccinated.

At the request of the Chair, Ms Little briefly explained her role to the Committee.

Councillor Cotterill referred to his concern raised at the previous meeting in relation to the nail cutting service provided for elderly and disabled people in Quarry Bank. Ms Little indicated that she would remind officers to respond to the Member direct by the end of October.

33. CONSULTATION ON THE REVIEW OF AREA COMMITTEES

A report of the Scrutiny Chairs was submitted on the proposals for a review of Area Committees. It was noted that the proposals were subject to a consultation period from 1st October to 9th November, 2012 with recommendations submitted to the Cabinet and Council in November, 2012.

The proposals would see nine new forums meeting five times throughout the year focusing on issues raised by the public, making it easier for people to report and discuss issues with the Council and elected members.

Following a brief presentation by Councillor Tyler a number of issues were raised in relation to the proposals set out in the report submitted to the meeting.

A member of the public indicated that although the new proposed Community Forums were a great idea in principle, he raised concerns as to how these new forums would be publicised. In responding, Councillor Tyler reported that the Council would be using a number of social media sites to advertise the Forums such as Twitter, Facebook, media releases and also relying on Ward Members to promote the meetings. He stated that the proposals were about giving public meetings back to the public, by making them simpler and more accessible and where the public attending them would set the agenda by the issues they raised.

The possibility of extending the consultation period was raised, however Councillor Tyler reported that this was not an option and stated that the new arrangements needed to be set up by January 2013. The Chair of the Committee supported the comments made.

A member of the public queried whether the Area Committee meeting scheduled for 29th January, 2013 would still take place. In responding, Councillor Tyler confirmed that the meeting would not go ahead and indicated that dates for the Community Forums had not yet been programmed, however, it was envisaged that these would commence in February and would possibly be held over a two week period each cycle.

RESOLVED

- (1) That comments on developing the proposals in the report submitted to the meeting on the review of Area Committees be submitted to the Director of Corporate Resources by the deadline of 9th November, 2012.
- (2) That comments and views received during the consultation period be collated and considered by the Cabinet and Council during November, 2012.

34. RUSSELLS HALL TRAFFIC WORKING GROUP

The Group Engineer gave a verbal update on the progress of the Traffic Regulation Orders for various roads in the Russells Hall area.

He indicated that four types of Traffic Regulation Order had been introduced to reduce the effects of intrusive parking associated with the Hospital.

- No Waiting, Monday to Friday, 10.00am to 11.00am and 2.00pm to 3.00pm.
- No entry to a street unless the driver is visiting a property in that street.
- A peak hours loading ban in Pensnett High Street.
- A two-hour limited waiting bay, daytime, Monday to Saturday in Pensnett Road.

The Group Engineer reported that the decision sheet authorising the introduction of the Russells Hall Traffic Regulation Orders had been signed by the Cabinet Member for Transportation in December, 2011; the Legal Order had been sealed in January, 2012 and the legal date of implementation was January, 2012. He stated that it had been agreed that no double yellow lines would be introduced on Middlepark Road, Ashenhurst Road and The Oval until Ward Members had carried out consultations to ascertain residents' views about the waiting restrictions proposed for their streets. He further stated that the proposals had been included in the sealed Traffic Regulation Order, for possible implementation in a future year.

The Group Engineer indicated that the Police would enforce the moving traffic order, no entry, except for access; however, the Police had indicated that this type of moving traffic offence would be given less priority than other police duties. He reported that arrangements had been made for Police officers and Council officers to meet and discuss the Traffic Regulation Orders surrounding Russells Hall Hospital.

The Group Engineer indicated that the Council's own Parking Enforcement Officers would enforce the yellow line "No waiting during two hours on week days", and "peak times no loading", in line with their patrol routes. He also outlined the number of penalty charge notices that had been issued for the twelve months up to 1st October, 2012 in a number of streets in the area.

In concluding, the Group Engineer indicated that it was understood that Russells Hall Hospital was considering expanding its staff car parking facilities, however, he stated that any planning application would be carefully considered by the Council.

RESOLVED

That the information, as reported orally, be noted.

35. AREA COMMITTEE GRANTS

A report of the Area Liaison Officer was submitted on proposals for the allocation of expenditure from the delegated budget of the Committee for the 2012/13 municipal year.

The Policy Analyst for Communities and Resources indicated that a supplementary paper in relation to a further grant application had been circulated to Members prior to the meeting.

RESOLVED

(1) That grants to the organisations indicated below for the purposes, and in the sums indicated, be approved:

(a) ST JAMES'S WARD

(i) Centre for Equality and Diversity

The sum of £2,680 to contribute towards the cost of a project to provide:-

- A four-day training course for members of migrant communities to learn basic skills in how to use video recording, filmmaking and sound engineering equipment.
- The production of a thirty-minute long documentary highlighting the experiences of refugees and other migrants within the central area of Dudley.
- The cost of a migrant information event to be held on Tuesday 18th December, 2012 and launch of documentary.
- The cost of publishing three editions of Dudley Migrant voices newsletter over a six-month period.

(b) NETHERTON, WOODSIDE AND ST ANDREW'S WARD

(i) Age Concern Dudley (t/a Age UK Dudley)

The sum of £740 to contribute towards the replacement and update of IT equipment at the Netherton Head Office to support the administration of the Age UK service within the Borough of Dudley.

(c) ST THOMAS'S WARD

(i) Friends and Residents of Buffery Park

The sum of £3,695 to support the installation of double-glazing, new security shutters and loft insulation and that in view of the very small amount of income available to the organisation, the grant money be paid immediately.

(d) QUARRY BANK AND DUDLEY WOOD WARD

(i) Friends of Stevens Park, Quarry Bank

The sum of £5,000 to support the installation of park benches to provide additional seating for users of the park and that in view of the very small amount of income available to the organisation, the grant money be paid immediately.

(ii) Friends of Quarry Bank Community Facilities

The sum of £1,000 to contribute towards the cost of putting up and taking down festive lighting on Quarry Bank high Street for the festive period 2012/13.

(e) VARIOUS WARDS

(i) Dudley MBC – Environmental Management Division

The sum of £4,770.45 to fund the provision of Christmas Trees for Christmas 2012 at key locations identified in the Central Dudley area.

- (2) That, as no further instruction had been received despite numerous requests, the grant awarded to Castle High School out of Hours Gardening Club in the sum of £1,800 for the purchase of a greenhouse, shed and associated gardening equipment to support the schools out of hours Gardening Club be not proceeded with and that should the applicant wish to pursue the application, given the amount of time that had elapsed, the applicant be required to submit a new application.
- (3) That the action taken by the Area Liaison Officer, in consultation with the Chair, Vice-Chair and the relevant Ward Members, in approving the application by North Priory Community Association, in the sum of £5,000 to contribute towards the costs of a part time project manager to help develop a business case and funding applications for a new community centre for the North Priory area, in accordance with the urgency provisions as set out in the Constitution, be noted.
- (4) That the action taken by the Area Liaison Officer, in consultation with the Chair, Vice-Chair and the relevant Ward Members, in approving the application by Lunch on the Run – St Francis Parish Centre and Church Community Cafe, in the sum of £5,000 to contribute towards the costs of rent at St Francis Parish Centre and Church for the Community Cafe, in accordance with the urgency provisions as set out in the Constitution, be noted.
- (5) That the action taken by the Area Liaison Officer, in consultation with the Chair, Vice-Chair and the relevant Ward Members, in approving, subject to the applicant providing certain further information, the application by Wrens Nest Community Centre, in the sum of £3,311.98 to contribute towards the costs of kitchen equipment to support the work of the community kitchen at the Wrens Nest Community Centre, in accordance with the urgency provisions as set out in the Constitution, be noted.
- (6) That the action taken by the Area Liaison Officer, in consultation with the Chair, Vice-Chair and the relevant Ward Members, in approving the application by Revival Fires, in the sum of £1,000 to contribute towards the applicants Family Transformation Centre refurbishment project, in accordance with the urgency provisions as set out in the Constitution, be noted.

- (7) That the Area Liaison Officer be authorised to implement the above actions in accordance with the agreed control procedures.
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36. MATTERS RAISED AT THE MEETING OF THE COMMITTEE HELD ON 12TH JUNE 2012 RELATING TO THE DIRECTORATE OF THE URBAN ENVIRONMENT

A report of the Director of the Urban Environment was submitted updating the Committee on issues raised at the meeting of the Central Dudley Area Committee held on 12th June, 2012, with regard to services provided by the Directorate of the Urban Environment.

In referring to paragraph 20 of Appendix 1 to the report submitted to the meeting, a Member of the Committee requested a date for when the whole of Hockley Lane would be resurfaced. In responding, the Assistant Director (Environmental Management) undertook to investigate and respond to the Member direct.

In referring to paragraph 10 of Appendix 1 to the report submitted to the meeting, a Member of the Committee again requested that the build outs situated in Victoria Road be removed. The Group Engineer indicated that he would meet the Member on site later in the year to discuss the issue further.

RESOLVED

That the report be noted.

37. MATTERS RAISED AT THE MEETING OF THE COMMITTEE HELD ON 12TH JUNE 2012 OTHER THAN THOSE RELATING TO THE DIRECTORATE OF THE URBAN ENVIRONMENT

A report of the Area Liaison Officer was submitted on progress on issues raised at the meeting of the Committee held on 12th June, 2012, other than those relating to the Directorate of the Urban Environment.

In referring to paragraph 6 of the report submitted to the meeting, a Member of the Committee queried why 5.5% (24 properties) on the Woodside Estate did not have any form of heating. In responding, the Area Liaison Officer indicated that 24 properties currently had no form of heating installed, however, she confirmed the reason for this was due to residents refusing to have heating installed, despite numerous attempts by officers to try to convince them to have heating. She further stated that because Council officers could not legally access the property unless they were invited to do so, there was little the Council could do. However, she assured the Committee that every effort was being made to persuade residents to take up the offer of installing heating in their properties.

RESOLVED

That the report be noted.

38. SCRUTINY COMMITTEE PUBLICITY

The dates of meetings of Scrutiny Committees for the remainder of the current municipal year were noted.

39. DATE OF FUTURE MEETING OF THIS COMMITTEE

It was noted that the meeting of the Committee arranged for 29th January 2013, was unlikely to go ahead in the light of the review of Area Committees discussed earlier in the meeting.

The meeting ended at 7.50pm.

CHAIR

NORTH DUDLEY AREA COMMITTEE

Wednesday 10th October 2012 at 6.30pm
at High Arcal School, High Arcal Drive, Sedgley

PRESENT:-

Councillor G Davies (in the Chair)
Councillor Mrs Ridney (Vice Chair)
Councillors Mrs Ameson, A. Aston, Branwood, Casey, Caunt, Evans, S. Turner, Mrs Westwood and Wright.

Officers

Assistant Director (Housing Strategy & Private Sector) (as acting Area Liaison Officer); Assistant Director, Leisure and Culture and the Group Engineer, Traffic and Road Safety (Directorate of the Urban Environment); Senior Account Manager (Chief Executive's); Assistant Director, Education Services, Area Team Leader (Youth Service), and Miss J Smith (Youth Service) (all Directorate of Children's Services) and Mrs K Taylor (Directorate of Corporate Resources).

Also in Attendance

Inspector G. Malpass (West Midlands Police); Operations Commander A. Grosvenor and Miss J Winpenny (West Midlands Fire Service), Mrs C Dimbylow (Citizens Advice Bureaux) and Councillor Tyler together with twelve members of the public.

25 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillor Mottram and Miss Jenkins (Co-opted Member).

26 DECLARATIONS OF INTEREST

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

27 MINUTES

RESOLVED

That the minutes of the meeting held on 20th June 2012, be approved as a correct record and signed.

28

PETITIONS

No petitions were received at the meeting.

29

YOUTH MATTERS

The Area Team Leader for Youth Service gave an oral update on new projects being undertaken by the Youth Service for young people to participate in, details of which were included in handouts circulated at the meeting.

Miss Smith referred to additional activities that had taken place and of the possibility of using a portion of the lottery grant that had been awarded to the Youth Forum to initiate a 'meals on wheels' service for the elderly.

Following the presentation, Members of the Committee expressed appreciation for all the work that had been carried out by the Youth Team to ensure that youth provision was being offered.

RESOLVED

That the information contained in the report submitted on Youth matters be noted.

30

POLICE ISSUES

Inspector Malpass reported that there had been a reduction of crime in the area of the Committee, however it was anticipated that there would be a seasonality rise in crime in particular relating to dwellings and sheds.

Inspector Malpass also referred to ongoing anti social behaviour issues in the North Dudley area and informed the Committee that there would be police monitoring to combat the issue of off road vehicles on the Beacon.

In responding to a question by a member of the public in relation to the recent burglaries in the Coseley area, Inspector Malpass confirmed that the police had visited a number of premises and that a number of arrests had been made.

Arising from the comments made, Councillor Mrs. Ridney referred to the metal thefts that had been occurring in the Coseley area, in particular in Churches, and asked for an update of the current position. In response, Inspector Malpass stated that he was aware of the incidents but that it would be difficult to protect buildings overnight. He reported on 'Operation Kryptonite', where Police Officers visited scrap dealers in the Borough to address the issue.

RESOLVED

That the information reported on be noted.

31

FIRE ISSUES

Operations Commander, Mr A Grosvenor reported on issues in relation to the Fire Service in particular the number of fire incidents that had occurred and the types of such incidents throughout the four wards comprising the area of the Area Committee. It was noted that the number of incidents had reduced compared to this time last year.

The Operations Commander also made particular reference to fire incidents in kitchens, and that the Fire Service wished to actively engage with the public to inform them of the dangers and safety measures in order to prevent a fire.

RESOLVED

That the information reported on at the meeting on fire issues be noted.

32

TRANSPORT ISSUES

No particular transport issues were raised at this juncture.

33

PUBLIC FORUM

- (a) A member of the public referred to the Coronation Gardens in Sedgley and requested that the restoration of the wrought iron archway and pruning of the trees be undertaken in view of the sixty year anniversary of the Queen's Coronation in 2013. The Assistant Director, Leisure and Culture undertook to pursue the matter.
- (b) The same member of the public requested an update in relation to a piece of land near Sunningdale Road, Sedgley in that a planning application had been previously approved by South Staffordshire Council, however it had since been found that the land was owned by Dudley Council.

The Area Liaison Officer reported that a letter by the Assistant Director, Law and Governance had been circulated to all neighbouring residents informing them that the matter was being addressed.

CITIZEN ADVICE BUREAU UPDATE

Mrs C Dimbylow, Chief Executive, gave an oral presentation on the services provided, details of which were included in handouts circulated at the meeting. During the presentation she explained the background of the organisation and the various locations where the Bureau would be visiting to advise people.

It was noted that 3338 people from the North Dudley area had visited the Citizens Advice Bureau.

Following the presentation given, Councillor Branwood expressed his gratitude for the information presented and referred to the future welfare reform and the impact this would have on the Bureau. In response, Mrs Dimbylow stated that a number of people might find it difficult to understand the new process, however advice would be given in relation to budget management.

In responding to a question by a Member in relation to the affect on the organisation following the closure of the Benefits Shop, Mrs Dimbylow confirmed that demand for the service had increased which had a big impact on the employees. She stated that additional volunteers had been employed to manage the increase.

Reference was made to the need for people to understand what benefits they were entitled to claim. Mrs Dimbylow responded that when people attend the Bureau, a benefits calculation was routinely carried out in order to ascertain the benefits that person was entitled too.

RESOLVED

That the information presented to the meeting be noted.

DELEGATED REVENUE BUDGET

A report of the Area Liaison Officer was submitted on standing authorisations and procedures for distributing funds delegated to this Area Committee and in respect of five applications that had been received for an allocation. Appendix A to the report set out the criteria for capital bids / allocations.

During the consideration of the application received from Gornal Business Watch, Councillor Branwood commented that planning permission had been granted for the flagpole and that the three primary schools involved were Roberts Primary; Redhall Primary and the Straits Primary. He further stated that it was the intention of the Royal British Legion to incorporate the flag in to their yearly ceremony.

Concerns were raised by a number of Members in relation to the Gornal Business Watch not supplying the requested documentation to support the application.

RESOLVED

- (1) That the arrangements for considering funding allocations made to this Area Committee, as set out in paragraphs 2 and 3 and Appendix A to the report submitted, be approved.
- (2) That the action of the Area Liaison Officer under delegated authority and after consultation with Members of the Committee, in determining the following application for funding, be approved, as follows:-
 - (i) An application from The Royal British Legion (Gornal) in the sum of £2,486 to purchase an automatic bugle, IT equipment and a Union Flag.
 - (ii) An application from the Darby and Joan Club (Gornal) in the sum of £6,275 for the installation of security fencing around the club building.
 - (iii) An application from the Gorge Road Allotments (Sedgley) in the sum of £5,000 for the installation of security fencing.
 - (iv) An application from Age Concern Dudley (All Wards) in the sum of £740 towards the replacement of IT equipment to support the administration at the Age UK Head Office in Netherton.
- (3) That the application by the Gornal Business Watch (Gornal) for £1,389.92 for the manufacture of a Gornal Flag be approved.

AREA COMMITTEE REVIEW

A report of Scrutiny Chairs was submitted on the proposals for a review of Area Committees. It was noted that the proposals were subject to a consultation period from 1st October to 9th November, 2012 with recommendations submitted to the Cabinet and Council in November, 2012.

The proposals would see nine new forums meeting five times throughout the year focusing on issues raised by the public, making it easier and accessible for people to report and discuss issues with the Council and elected members.

Following a brief presentation by Councillor Tyler a number of issues were raised in relation to the proposals set out in the report submitted to the meeting.

A member of the public raised concerns as to how the new forums would be publicised. In responding, Councillor Tyler reported that the Council would be using a number of social media sites to advertise the Forums such as Twitter, Facebook, media releases and also relying on Ward Members to promote the meetings. Councillor Ridney further commented that Ward Members would be actively seeking members of the public to attend the Forums.

A member of the public commented that when questions were asked at the Area Committee there was not an opportunity to discuss the matter further, and requested that questions asked at the Forum be answered immediately. In response, Councillor Tyler confirmed that in some instances a question might not be able to be responded to on the night, however a response would be sent within forty-eight hours.

A member of the public referred to the 'Coseley Grapevine' Newsletter, and stated that it would be a good avenue to publicise the Community Forum dates and Ward Councillors details for Coseley.

A member of the public queried whether additional meetings were required, and that the need for quicker action should be the priority. He commented that the Area Committee was a good decision making meeting, but that they needed to be less confrontational, and that he considered that the Community Forms would place extra pressure on members of the public to attend.

RESOLVED

- (1) That comments on developing the proposals in the report submitted to the meeting on the review of Area Committees be submitted to the Director of Corporate Resources by the deadline of 9th November, 2012.
- (2) That comments and views received during the consultation period be collated and considered by the Cabinet and Council during November, 2012.

- (a) Councillor Wright raised concerns regarding the issue of parking in Boundary Crescent. The Group Engineer - Traffic and Road Safety stated that he had recently attended a meeting with residents to discuss the matter further.

- (b) Councillor A Aston referred to a letter he had received from the Old Park Road Tenants and Resident's Association in relation to a drainage issue as a result of heavy rain, and that it appeared that the drainage cleaning vehicles did not visit the estate. The Assistant Director, Leisure and Culture undertook to pursue the matter.
 - (c) Councillor Branwood reported that the Foundation Stage Unit had been completed during the Summer at Redhall Primary School, and that the Mayor had agreed to formally open the site on Friday 7th December, 2012.
 - (d) Councillor Ridney raised concerns regarding the issue of parking surrounding the Clayton Playing Fields, in particular cars parking in Old Meeting Road, and asked for any alternative suggestions for parking during the busy football season. The Assistant Director, Leisure and Culture undertook to pursue the matter.
-

38

SCRUTINY COMMITTEE PUBLICITY

Information was given regarding the dates of Scrutiny Committees, held at the Council House, Dudley, to which members of the public were invited and were welcome to attend.

RESOLVED

That the information given in respect of the dates of meetings of Scrutiny Committees, be noted.

39

SCHEDULED DATE AND VENUE OF NEXT MEETING

It was noted that whilst the next scheduled meeting date and venue was Wednesday 30th January 2013 at 6.30 p.m. at The Dance Studio, Ellowes Hall School, Stickley Lane, Lower Gornal, this was subject to the review of area committees referred to earlier in the meeting.

The meeting ended at 7.55 p.m.

CHAIR

STOURBRIDGE AREA COMMITTEE

Monday 15th October, 2012 at 7.00 p.m.
at Hob Green Primary School, Hob Green Road,
Pedmore Fields, Stourbridge

PRESENT-

Councillor Attwood (in the Chair),
Councillor C Wilson (Vice-Chair)

Councillors Body, Elcock, Hale, Hanif, Herbert, Jones, Kettle, Knowles, Lowe, Marrey, Mrs Martin, Partridge, Perks, Mrs Rogers, and Mrs Walker; Mr Downing and Miss Hathway.

OFFICERS:-

Director of Children's Services (as Lead Officer to the Committee), Assistant Director Planning and Environmental Health and Group Engineer – Traffic and Road Safety (both Directorate of the Urban Environment), Ms R Cooper, Accountant, Mr T Holder, Solicitor and Assistant Principal Officer (Democratic Services) (Mr J Jablonski), all Directorate of Corporate Resources

ALSO IN ATTENDANCE:

Inspector Lambert (West Midlands Police), Mr Wood and Ms Winpenny (both West Midlands Fire Service), Councillor Tyler (for Agenda Item Number 10), Caroline Dimbylow (for Agenda Item Number 9) and Mrs Shakespeare (the latter, on behalf of Margot James, MP) and 20 members of the public.

24

DEATH OF COUNCILLOR KNOWLES

The Chair referred to the recent death of Councillor Malcolm Knowles whose funeral was to be held at St Thomas's Church, Stourbridge, on Monday, 22nd October, 2012 at 2.30pm.

All present stood in silent tribute to the memory of Councillor Malcolm Knowles.

25

APOLOGY FOR ABSENCE

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

26

DECLARATIONS OF INTEREST

No declarations of interest, in accordance with Members' Code of Conduct, were made in respect of any matter to be considered at this meeting.

27

MINUTES

Arising from consideration of the minutes it was reported that in relation to the application for funding referred to at minute 14(4) on page SAC/11 of the minutes the position in respect of the Humara Project was that it was in fact not in liquidation and that the Local Authority were currently in discussions with relevant persons connected with the project.

It was also reported that in respect of minute 21(a) the street that should have been referred was in fact Duncombe Street and not Cobden Street as recorded at that minute.

RESOLVED

That the minutes of the meeting of the Committee held on 25th June, 2012, be approved as a correct record and signed.

28

YOUTH MATTERS

A report of the Director of Children's Services updating the Committee on Stourbridge Area Youth Forum known as 'Young People for Stourbridge (Y.P.4.S)' and in respect of the youth provision for the Stourbridge area was circulated at the meeting.

Miss Nadia Hathway, the young people's representative on the Committee commented briefly on the content of the report a copy of which would be uploaded to the Council's Committee Management Information System.

RESOLVED

That the information contained in the report circulated at the meeting, on the Stourbridge Area Youth Forum known as 'Young People for Stourbridge (Y.P.4.S)' and in respect of the youth provision for the Stourbridge area, be noted.

POLICE MATTERS

Inspector Lambert commented on the crime figures for the period from 1st April, 2012 to 14th October, 2012 compared with the same period in 2011.

Generally across the five wards comprising the area of the Area Committee the numbers of crimes committed were reducing. In relation to the Cradley and Wollescote Ward whilst it was broadly a similar picture the exception to this was the number of burglaries committed.

In view of the issues across the area of the Borough in relation to burglary, dedicated initiatives had been introduced concentrating on four respective areas one of which was in respect of Quarry Bank and Lye. Inspector Lambert also commented that a number of the burglaries had occurred in the daytime and asked that members of the public remain vigilant and contact the Police with any relevant intelligence to assist them in apprehending the offenders. Reference was also made to opportunistic thefts that had occurred in Stourbridge Town Centre on which action had been taken.

Regarding thefts reference was made to an initiative in which the Police handed out bells so that they could be attached to purses as a deterrent to theft. It was reported that such bells were still available and could be obtained by dialling 101 and asking for the Neighbourhood Team.

Arising from the presentation given a member of the public referred to burglaries affecting in particular the Asian community and arising from comments made by him it was agreed that the member of the public and Inspector Lambert meet so that the specific issues raised could be dealt with.

RESOLVED

That the information reported on in respect of Police matters be noted.

FIRE SERVICE MATTERS

Mr Wood gave an oral report on fire matters, giving statistical information in relation to different types of incidents handled by the fire service. Generally numbers had remained virtually unchanged since the previous meeting of the Committee.

Mr Wood then reported on two recent initiatives being National Fire Service Week which would commence at the end of October and the Electrical Fire Service Week that had just been undertaken.

He further commented that arising from an online vote Stourbridge Fire Station had been voted Fire Station of the Year.

In relation to youth matters he referred to the Young Fire Fighters Association who generally went on to sign up for youth groups held in the Borough.

In response to a question from a member of the public Mr Wood commented that the arrangement whereby five paramedics were stationed at the Fire Station was working well.

RESOLVED

That the information given my Mr Wood on behalf of the Fire Service be noted.

31

PUBLIC FORUM

- (a) A member of the public commented on the condition of the 'garden front' of the parade of shops on the Queensway and related issues including vandalism and requested that repairs and improvements be made.

It was agreed that the comments made be referred to the Directorate of Adult, Community and Housing Services for investigation and response direct to the questioner.

- (b) In response to a question regarding the green area from Gauden Road, Stourbridge that ran with the public footpath to, and over, Wychbury Hill, it was reported that the land referred to was in private ownership and that a number of plots had previously been sold some years ago. It was also commented on that this was part of the green belt and that Ward Members had always attempted to resist any development taking place.

The Assistant Director, Planning and Environment Health undertook to arrange for the matter to be further looked into and for a response to be sent direct to the questioner.

- (c) A member of the public sought an assurance that the benches at Swan Pool that were removed from opposite residents houses would not be replaced there and requested that they be moved to the far side of the football pitch.

In response to the question raised it was reported that discussions were to be held with the relevant officers and the Friends of the Swan Pool Park so that a survey could be undertaken and an assurance given that if the benches could be moved to the far side of the football pitch then that is what would happen.

The Assistant Director, Planning and Environment Health undertook to raise this matter with colleagues who would liaise with the relevant parties on this matter.

- (d) A member of the public commented on the issue of speeding vehicles in Studley Gate and considered that the measures that had been introduced had not had an effect on reducing the speed of vehicles in that area and adjoining streets such as Duncombe Street. He further commented on the parking situation when football matches were being held with cars being parked along the road. He again requested that something be done to curb speeding in the area.

In response the Group Engineer – Traffic and Road Safety commented that investigations into the position in Studley Gate were ongoing and that the Council took the concerns raised very seriously.

In addition to the comments made by the member of the public Councillor Mrs Walker referred to problems with specific reference to Duncombe Street and a suggestion was made that the possibility of introducing speed humps be investigated.

In response to an invitation made the Group Engineer – Traffic and Road Safety undertook to attend a meeting of the Swan Pool Park Group and the officer undertook to speak to the questioner further after the meeting.

- (e) A questioner referred to the condition of Swan Pool Park following the holding of football matches and to the condition of the accommodation used by footballers to change in. Both of which were considered to be unsatisfactory. He also referred to the path from Swan Street to the play area, which he considered to be in a bad condition.

A member referred to plans that were to be the subject of discussions between the relevant officers and other interested parties and invited the questioner to attend the meeting to be held.

The Assistant Director, Planning and Environmental Health also undertook to relay the relevant information raised at the meeting to colleagues.

- (f) Regarding a question raised in respect of issues to do with the Flat Green Bowling Clubs at Wollescote Hall Park it was noted that this matter would be considered in conjunction with Agenda Item Number 15 – Responses to issues raised at the last meeting of the Committee.

- (g) In relation to questions submitted regarding future arrangements for managing the Ernest Stevens Trusts in the light of proposed changes from Area Committee Meetings to Community Forums it was noted that this matter would be dealt with later in the meeting.
- (h) In response to a question on the Committee's views regarding comments on the proposed merger of Dudley, Walsall, Wolverhampton and Sandwell Local Authorities a member reported that whilst there had been discussions at a regional level on improving governance this had only extended to issues such as sharing service provision and that any changes to boundaries of existing Local Authorities would require an Act of Parliament.

32

UPDATE ON CITIZENS ADVICE BUREAUX SERVICES –
PRESENTATION BY THE CHIEF EXECUTIVE OF DUDLEY DISTRICT
CITIZENS ADVICE BUREAUX

Caroline Dimbylow, Chief Executive of Dudley District Citizens Advice Bureaux, was in attendance at the meeting and commented on the content of a presentation that had been circulated at the meeting. Circulated with the presentation was a leaflet entitled Directory of Services.

Ms Dimbylow expanded on the points contained in the presentation and a copy of the presentation would be uploaded to the Council's Committee Management Information System.

Arising from the comments made regarding the services provided and related details members made a number of comments in particular referring to the valuable service offered and the likely impact that the forthcoming welfare reforms would have on the work of the Bureaux. Questions were also asked regarding the skills and training of the one hundred local people who gave of their time to provide the services and it was emphasised that the main requirement for a volunteer was people skills so that they could connect with people, explore their problems and be representatives of the community.

In response to a question as to the languages in which advice could be given reference was made to the varied backgrounds of the volunteers and to the provision on occasion of interpreters. In addition it was also noted that some people also had their own interpreter. One of the aspects of service that the Bureaux was continuing to strive for was to plug any gaps in provision and in this respect it was noted that one gap nationally was the difficulty that sign language users had in accessing advice so the Bureaux were looking to plug this gap.

RESOLVED

That the information contained in the presentation, and as referred to at the meeting, be noted and that Ms Dimbylow be thanked for the presentation given.

33

CONSULTATION ON THE REVIEW OF AREA COMMITTEES

A report of Scrutiny Chairs had been submitted outlining proposals for a review of Area Committees. The proposals were subject to a consultation period from 1st October to 9th November, 2012 and recommendations would then be submitted to the Cabinet and Council in November, 2012.

Councillor Tyler, Lead Member on the review of Area Committees was present at the meeting and commented on the content of the report submitted. In commenting he referred to the 9 forum model in relation to electoral ward boundaries as shown at Appendix 1 to the report submitted and indicated that it was likely that area 9 in relation to Halesowen may be split into 2 forum which would then give a total of 10 community forums meeting 5 times a year. Following the presentation given a number of comments were made in particular relating to:-

- A query as to whether the first key question in paragraph 2 was being addressed the first key question being what should area/neighbourhood meetings achieve.
- It was queried whether the proposals could be achieved within the existing cost envelope even with the reduction in costs from not using a PA system as there would for example still be the cost of room hire.
- Reference had been made to natural communities however there appeared to be no account taken of the communities in which people lived for example those communities used by the Police in their beats.
- There were considered to be equality issues should microphones and sound systems not be used given that deaf people in particular would not be able to cope in such a meeting.
- The third bullet point in paragraph 3 – that meetings are an unsatisfactory mix of community engagement and Council decision making – was considered to be a misunderstanding in that apart from capital allocations and decisions in relation to the Stevens Trusts there were no other Council decisions that needed to be made therefore it was not an unsatisfactory mix.

- Although the comment had been made that one of the problems of Area Committees was that they were report driven it was considered to be the case that the Chair had a lead role to play in ensuring that this was not the case and that the Chair should be in control of the meeting.

The conclusion reached by the Member was that whilst he liked the aim that the proposals sought to achieve he doubted whether in practice it could be achieved particularly within the existing cost envelope.

Following on from the comments made other members commented as follows:-

- That there was a need to change so that forum meetings met the needs of local communities discussing matters of interest to a particular community.
- That members were elected to meet with members of the public holding surgeries and large meetings that were community based and that if the particular proposals or some aspects did not work they would be looked at and changed.
- A pledge had been given to try and take back meetings to the community so that for example instead of 30 minutes for a public forum session Councillors should have a 30 minute slot to talk to local residents with the rest of the meeting being devoted to residents and their issues. A change of this nature should be welcomed.

A further member commented as follows:-

- That it was doubted that there was a general consensus as indicated in paragraph 3 of the report submitted that Area Committees had become less relevant and appropriate and questioned where this consensus was.
- It was doubted whether any money was going to be saved by the introduction of the proposals especially as it was proposed to hold 50 meetings a year under the new proposals a great increase on the current number under the current arrangements.
- The need to include reference to Councillors attending neighbouring forums as necessary was considered to be irrelevant as this could be done currently.
- If changes were made to the proposals how would these be managed?
- It was considered that more work in relation to the community forum would fall on 2nd tier officers and it was hard to see how this was going to work given their current workload.

A further member commented that

- This was a genuine commitment to a genuine consultation and an attempt to make something better.
- It was hoped that those present would write in and participate in the consultation process and that the proposals would lead to better communication with communities.
- A further member commented that members already met with their communities in a number of recognised ways and that it was doubted whether the use of other facilities for the holding of meeting would provide a saving as a cost was likely to still be incurred.
- There did not appear to have been any consideration given to ensuring that there were adequate transport arrangements within the boundaries of the forum model outlined in Appendix 1 so that residents from different parts of the forum area could easily attend meetings within that area.
- It was queried whether the area grant allocations would remain at £10,000 per ward.

A conclusion reached was that there would be an increase in meetings; scepticism over what would actually be achieved; and the consideration that the neighbourhood forums would remain bureaucratic and council lead and that residents would be unlikely to get a response to their queries within the 48 hours indicated.

As part of the consideration of the neighbourhood forum review the future arrangements in respect of the Ernest Stevens Trusts were queried. In this regard three questions had previously been posed by a member of the public and were reiterated by a member during the consideration of this item. It was noted that the solicitor to the committee would ensure that written answers to the questions posed would be sent to the member and to the member of the public concerned.

An assurance was however given that the arrangements for the Stevens Trusts would not suffer as a result of the proposals contained in the report submitted and that this was one of a number of constitutional issues that were being looked into.

Arising from the comments made Councillor Tyler reiterated that the purpose of the proposals was to engage with local people and communities and get them involved through the use of the community forums and that he would be happy to talk to members of the public on the issues raised at the conclusion of this meeting.

RESOLVED

- 1 That comments on developing the proposals contained in the report submitted outlining proposals for a review of Area Committees be submitted to the Director of Corporate Resources by the deadline of 9th November, 2012.
- 2 That comments and views received during the consultation period be collated and considered by the Cabinet and Council during November, 2012.

34

MARY STEVENS CENTRE, HAGLEY ROAD, OLDSWINFORD – REQUEST TO GRANT LEASE TO DUDLEY MIND OF PART OF FIRST FLOOR

A report of the Director of Corporate Resources was submitted on obtaining the consent from the Area Committee as trustees of the Ernest Stevens Trust to formalise the occupation of Dudley MIND of part of the first floor of the Mary Stevens Centre, Hagley Road, Oldswinford, by way of a Lease.

Arising from the presentation of the content of the report members queried the need for the Lease and the terms on which it would be granted together with the arrangements in respect of other occupants of the Mary Stevens Centre. It was considered that there was a need to regularise the position in respect of the whole building and a request made that a review be undertaken so that the whole situation could be regularised.

RESOLVED

- 1 That approval in principle be given to the negotiation of terms and conditions in respect of a Lease by Dudley MIND of part of the first floor of Mary Stevens Centre, Hagley Road, Oldswinford and that following such negotiations the terms be reported for approval to a future meeting of the trustees of the Ernest Stevens Trusts.
- 2 That the Director of Corporate Resources be requested to arrange for a review of the leasing arrangements regarding the remainder of the Mary Stevens Centre so that the trustees could be satisfied as to those arrangements and that following such a review a report be submitted to a future meeting of the trustees of the Ernest Stevens Trusts.

35

GRANT ALLOCATIONS

A report of the Area Liaison Officer was submitted on applications received for grant allocations from the budget of the Committee. An addendum to the report was also circulated at the meeting in respect of a number of applications that had been received following the preparation of the report.

RESOLVED

- 1 That the action taken by the Area Liaison Officer, in consultation with the Chair, Vice Chair and Ward Members in approving a grant of £5,000 to the United Church, Lye, towards the total project costs of replacing an existing lift, under the urgency provisions for the reasons indicated in the report now submitted, be noted.
- 2 That the action taken by the Area Liaison Officer, in consultation with the members of the Committee, in approving a grant of £3,991 towards the total project costs so as to allow free to access events during the Stourbridge Music Arts Rhythm and Theatre Festival, be noted.
- 3 That grants be made to the organisations below for the purposes indicated:-

<u>Organisation</u>	<u>Purpose of Grant</u>	<u>Amount of Grant</u>
Pedmore Senior Citizens Club	Grant towards the running costs of the group which include monthly rent of the facilities and speaker/entertainers costs	£445
Age UK Dudley	A contribution towards the total cost of replacing IT equipment at the Netherton Head Office to support the administration of the Age UK service within the Borough of Dudley (a similar request had been made to each Area Committee)	£740
Chawn Hill Church	A contribution towards total project costs to improve the centre building and install sports flooring	£4,260
Pedmore Neighbourhood watch	Purchase of a new printer along with replacement cartridges used to produce quarterly newsletters, notices, agendas and minutes and accounts.	£325.18

Caledonia Residents Association	A contribution towards the total project costs of excavating a car park in Grosvenor Way and to replace with hardcore and tarmac (grant approved on the basis of exceptional circumstances justifying a grant over £5,000)	£5,830
Norton Green Tenants and Residents Association	Purchase of 2 laptops and printers, a camera and various accessories to be used by the group to print information leaflets and newsletters and help communicate with the wider community.	£1,185
Stourbridge Christmas Lights	Purchase, erection and removal of 3 Christmas trees within the area of the Committee together with associated energy costs.	£5,000
Insight Carers Service	To reconnect the gas supply and work to bring the kitchen to a functional standard (applications submitted to Area Committees with a request that they make a contribution).	£1,250

- 4 That the application from the Change Consortium in respect of one of their projects namely the People's Orchestra be refused for the reasons stated in the addendum to the report submitted.

THE ERNEST STEVENS TRUST – FINAL ACCOUNTS

A report of the Treasurer was submitted on the accounts of the individual Trusts comprising the Ernest Stevens Bequests.

RESOLVED

That the Committee approve the accounts of the Trust, on behalf of the Council in their capacity as Trustees, and that the Chair be authorised to sign the accounts.

37

STEVENS PARK AND RECREATION GROUND FOUNDATION TRUST

A report of the Treasurer was submitted on a request for a grant from the Stevens Park and Recreation Ground Foundation Trust received from the Stourbridge Glassboys Under 9's Football Club.

RESOLVED

That approval be given to the request received from the Stourbridge Glassboys Under 9's Football Club for a grant from the Stevens Park and Recreation Ground Foundation Trust in the sum of £495 for the purchase of 13 rain jackets and a substitution bench.

38

RESPONSES TO ISSUES

A report of the Area Liaison Officer advising the Committee of the position regarding issues raised at the last meeting of the Committee was submitted.

Arising from the consideration of the report and in conjunction with a question raised in the public forum section of the meeting, deferred until consideration of this item, in respect of comments made regarding the Flat Green Bowling Clubs at Wollescote Hall Park, Councillor Mrs Martin raised five issues which it was considered still required investigation and response. A copy of the points raised was passed to the Assistant Director, Planning and Environmental Health so that she could refer these to her colleagues dealing with this matter.

The questioner also raised an issue regarding equality, which was also referred to in the note concerned. He requested that a meeting of all interested parties take place to discuss this and other issues.

During consideration of this item reference was also made to the award achieved in respect of Stourbridge in Bloom and an acknowledgement made of the efforts given by the people concerned in achieving this award.

In respect of paragraph 6 of the report concerning tree felling a member again raised concerns that Ward Members were not made aware of when work to fell trees was to be undertaken.

RESOLVED

That the information contained in the report submitted, and as reported at the meeting be noted.

39 ISSUES RAISED BY MEMBERS OF THE COMMITTEE

No matters were raised under this Agenda item.

40 SCRUTINY COMMITTEE PUBLICITY

Forthcoming meetings of Scrutiny Committees were received and noted.

41 SCHEDULED DATE AND VENUE OF NEXT MEETING

Although the scheduled date and venue of the next meeting of the Committee was Monday 11th February 2013, at 7.00pm at Redhill School, Junction Road, Stourbridge it was unlikely that this meeting would go ahead in the light of the review of Area Committees referred to earlier in the meeting.

The meeting ended at 9.05 pm

CHAIR

HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE

Wednesday, 26th September, 2012 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Mrs Ridney (Chair)
Councillor K Finch (Vice-Chair)
Councillors Elcock, Hemingsley, Kettle, Roberts, Mrs Rogers, Vickers and C Wilson

Officers

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

Also in Attendance

Mr Steve Corton – Head of Community Engagement, Dudley Primary Care Trust
Neil Buktin – Head of Partnership Commissioning, Dudley Clinical Commissioning Group
Valerie Little – Joint Director of Public Health, NHS Dudley
Richard Beeken – Director of Operations and Transformation
Ned Hobbs – Deputy General Manager

14 APOLOGIES FOR ABSENCE

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

15 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 17th July 2012 be approved as a correct record and signed.

16 PUBLIC FORUM

No issues were raised under this agenda item.

17 PUBLIC HEALTH TRANSITION – VISION AND STRATEGY

A report of the Chief Executive was submitted on the vision and strategy for public health transition to the Council.

Following the presentation of the report by the Health Reform Programme Lead, the Joint Director of Public Health explained about matters covered by public health and gave a brief outline on aspects of areas covered, such as smoking cessation, weight management and dealing with pandemics.

Arising from the presentation of the report the Chair queried whether any Seminars would be held for Members to gain a better understanding of public health matters. In responding the Health Reform Programme Lead indicated that an event had been held in the Summer but that he would feedback comments about the request to hold further events to the relevant Cabinet member for consideration.

Arising from further questions from Members the Joint Director of Public Health explained that the Local Authority would be responsible for Public Health, including its budget from 1st April, 2013 and that extensive work took place in conjunction with schools to educate young people on issues such as obesity and drugs. With regard to how the budget of £16.3 million from the Department of Health would be spent, the Joint Director of Public Health stated that the budget would be used to maintain and continue with current programmes. She further stated that a more accurate allocation of funding would be known in December and that no guidance had as yet been given on issues such as over or underspends. However, it was pointed out that there would be a budget management strategy and that in the current climate it would be wise to budget appropriately so that there was no overspend.

RESOLVED

That the information contained in the report, on the vision and strategy for the transition of public health responsibilities to the Council, be noted.

18 DRAFT JOINT HEALTH AND WELL-BEING STRATEGY

A joint report of the Director of Adult, Community and Housing Services, Acting Director of Children's Services, Director of the Urban Environment, the Director of Public Health and the Interim Senior Responsible Officer of the Clinical Commissioning Group was submitted on the Shadow Health and Well-being Board's Draft Joint Health and Well-Being Strategy.

In presenting the report the Health Reform Programme Lead informed the meeting that a second version of the Draft Joint Health and Well-Being Strategy had been drafted since the submission of the report to this meeting and he undertook to circulate the updated version to all Members.

Arising from the presentation of the report Members complained about the booking system for making appointments with the General Practitioner (GP) and it was indicated that it was extremely difficult to get through to the receptionist to book an appointment. The Chair commented that there was an overall issue with access to services in general and a comment had previously been made in that it was often difficult for working people to take time off to attend appointments. In responding the Head of Partnership Commissioning indicated that he would refer the matter to his colleagues with a view to ascertaining the extent of the problem.

RESOLVED

That the information contained in the report, and Appendix to the report, submitted on the Shadow Health and Well-Being Board's Draft Joint Health and Well-Being Strategy, be noted.

19 UPDATE ON DEVELOPMENT OF THE DUDLEY CLINICAL COMMISSIONING GROUP

A report of the Chief Officer, Dudley Clinical Commissioning Group was submitted on progress to date on the development of the Dudley Clinical Commissioning Group.

RESOLVED

That the information contained in the report on progress to date on the development of the Dudley Clinical Commissioning Group, be noted.

20 MATERNITY UPDATE

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

RESOLVED

That the information contained in the report on the Trust's progress to manage maternity demand, be noted.

21 ELDERLY CARE TRANSFORMATION

A report of the Dudley Group NHS Foundation Trust was submitted on progress made with recent improvements to Elderly Care Services at the Dudley Group NHS Foundation Trust and on further planned improvements.

RESOLVED

That the information contained in the report on the Trust's progress made with recent improvement to Elderly Care Services at the Dudley Group NHS Foundation Trust and further planned improvement, be noted.

22 ANNUAL REPORT OF THE HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE 2011/12

A report of the Lead Officer to the Committee was submitted on the Committee's activities during the 2011/12 municipal year.

In considering this item Members agreed that the Review for 2012/13 should be on Health Inequalities to focus on cardiovascular diseases.

RESOLVED

- (1) That the Committee's Review Theme for 2012/13 be on Health Inequalities focussing on cardiovascular diseases and that the Chair of the Committee, Councillors Vickers, Elcock and Roberts be nominated as members on the Group.
- (2) That the Annual Report of the Health and Adult Social Care Scrutiny Committee for 2011/2012 be approved for submission to the Council.

The meeting ended at 8 p.m.

CHAIR

COMMUNITY SAFETY
AND COMMUNITY SERVICES SCRUTINY COMMITTEE

Thursday, 1st November, 2012 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Kettle (Chair)
Councillor Branwood (Vice-Chair)
Councillors Burston, Caunt, Cowell, K Finch, Harley, Ms Nicholls and Perks.

OFFICERS

Assistant Director of Corporate Resources (Customer Services), (Directorate of Corporate Resources), (Lead Officer to the Committee), The Drugs and Alcohol Team Manager, (Chief Executive's Directorate), The Health Reform Programme Lead, (Directorate of Adult, Community and Housing Services) Assistant Director, Quality and Partnership and Troubled Families Co-ordinator (All Directorate of Children's Services), Head of Accountancy, Principal Solicitor and Miss K Fellows, (Directorate of Corporate Resources).

18. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Cotterill and Russell.

19. **APPOINTMENT OF SUBSTITUTE MEMBERS**

It was reported that Councillor Cowell had been appointed as a substitute Member for Councillor Cotterill for this meeting of the Committee only.

20. **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.

21. MINUTES

RESOLVED

That the Minutes of the meeting of the Committee held on 6th September 2012, be approved as a correct record and signed.

22. PUBLIC FORUM

No matters were raised under this Agenda item.

23. REVENUE BUDGET STRATEGY 2013/14

A joint report of Officers was submitted on the proposed Revenue Budget Strategy for 2013/14 and on the Medium Term Financial Strategy.

In presenting the report submitted, the Head of Accountancy specifically referred to Appendix A to the report submitted stating that this outlined the proposed savings in line with the terms of reference of the Committee.

Arising from the presentation of the report and Appendix A to the report submitted, Members asked questions and raised concerns as follows:-

- The continuation of spending pressures especially those that related to dementia sufferers and those with learning disabilities and the lack of investment that would be available although the number of sufferers and those with learning disabilities were rising, the proposed investments were not increasing during the next three years.
- Whether the Council were preparing for the above increased numbers.
- The possibility of the Council entering into partnerships with other Councils in order to continue to provide services.
- How the posts included in the savings in the Directorate of Adult, Community and Housing Services, Quality and Commissioning were spread across the service areas and concerns in relation to increasing fee income targets for the finance section in respect of their work with the Court of Protection on behalf of people who lacked capacity.

- Where the increase in income from CCTV would come from.
- A query was raised in relation to Dudley Council Plus efficiency savings.

In responding to Members questions, the Health Reform Programme Lead advised that in relation to the increasing dementia sufferers and those with learning disabilities, priorities and additional legislative requirements such as personalisation had to be implemented and the increasing numbers would be reviewed year on year.

He also reported on the Public Health functions transferring from the Primary Care Trust to Dudley Council as from 1st April, 2013 and the policy intention was that Councils with new responsibilities for health improvement would encourage people to keep themselves well and so avoid the need for service in the Dudley Borough.

The Health Reform Programme Lead undertook to provide Members with figures relating to the increased number of adults with learning disabilities and those with dementia.

He stated that in relation to the proposed savings for the Directorate of Adult, Community and Housing Services the Quality and Commissioning Division had been remodelling and realigning the commissioning of services and work had been undertaken in relation to the commissioning of ICT Services.

It was also reported that the way that the Adult Social Care Finance Team provided services was coming into line with the practices in other Authorities in so far as the income provision for care services was concerned.

The Health Reform Programme Lead stated that Reports had been submitted to Cabinet during preceding years in order to support changes in Community Centres in order that they became even more independent where that was required including in Administration services in order to improve and update the service and it was hoped that this would achieve greater control over the services provided.

In relation to the 9.5 posts referred to in the report submitted, it was reported that those would need to be identified and would fall within the areas of the services outlined above.

The Health Reform Programme Lead reported that the administration of the affairs of those who lacked capacity were dealt with by the Office of the Public Guardian which had been created some years ago and a change in the Council's practices in relation to this administration was required which would bring the Council in line with practices elsewhere.

In relation to the income streams from CCTV, the Assistant Director of Corporate Resources, (Customer Services) reported that the Council now provided CCTV services to Stourbridge Bus Station with bus station images being monitored on behalf of Centro.

He also reported that contracts for a new queuing system and new payment kiosks had been entered into at Dudley Council Plus which had generated further income for the Authority.

In responding to a further question from a Member the Assistant Director of Corporate Resources, (Customer Services) stated that there were now less than two Council employees directly employed on CCTV work.

Members also raised concerns in relation to the amount of reserves outlined in the report submitted.

A motion was also proposed and seconded and agreed at the meeting.

RESOLVED

- (1) That arising from consideration of the information contained in the report and Appendix A to the report submitted on the Cabinet's Revenue Budget Strategy proposals for 2013/14 and Medium Term Financial Strategy the Cabinet be informed that Members of the Committee do not accept the budget proposals contained in the report submitted for the following reasons:-
 - (a) The unrealistic pressure figures for years two and three on pressure areas.
 - (b) The lack of detailed explanation of the savings at this meeting.

24. "TROUBLED FAMILIES" IN DUDLEY

CSCSSC/15

A report of the Chief Executive was submitted on an initiative of the Department for Communities and Local Government in respect of Troubled Families and its implementation in Dudley.

Arising from the presentation of the report submitted by the Health Reform Programme Lead Members asked questions and Officers responded as follows:-

The Assistant Director of Quality and Partnership stated that the definition “families with children on the edge of care” related to those children who were the subject of a Child Protection Plan and it was currently unclear as to how the payment by results referred to in the report submitted would become payable.

The Troubled Families Co-ordinator advised that the Troubled Families Programme Framework stated that payment by results would become payable should work with troubled families result in those families who were receiving benefits no longer having to claim these with those children who were not previously attending school moving back into education and a reduction in crime and anti social behaviour due to work conducted under the programme. He also stated that payment by results would become payable by the Council ensuring that those children who remained at home were residing in a safe home environment.

The Assistant Director of Quality and Partnership referred to the Council’s Community Intervention Project which was operated by Children’s Services under the management of the Assistant Director for Children and Families stating that those employed to work with troubled families would form part of this service, with an assertive and robust approach being taken to deal with that part of the service and all staff working together to address the problems of troubled families with new staff dealing with the more challenging work of the service. It was sincerely hoped that the service would make a difference and the enormity of the challenge was accepted.

He stated that some of the families would require staff to work with them over the whole three year period of the project which would result in some families being carried over to subsequent years of the project.

In relation to prioritising families he reported that there was in place an Organisation Group, linking each family to the three criteria referred to and that initially the family would need to satisfy all three criteria in order that intervention work could be commenced however it was hoped that families meeting two and following this one of the criteria would be provided with intervention work.

In relation to funding the project, the Health Reform Programme Lead reported that it was a three year funded project and details in relation to the funding stream once the three year period had elapsed had not been provided by Central Government.

The Assistant Director of Quality and Partnership further reported that the funding was non ring fenced and could be carried over from year one to years two and three of the project.

It was reported that the Project had initially been funded by the Department for Communities and Local Government and the Department for Work and Pensions and it was the intention of the Council to investigate whether some of the funding could be provided to other partners to work with troubled families effectively in order to improve the lives of those families, however no final decision had been made in relation to the above possibility.

In responding to a further question from a Member the Assistant Director of Quality and Partnership advised that the new posts would initially be offered on a one year fixed contract basis.

In relation to sanctions in order to ensure that those families identified engaged and worked with the key worker allocated to the family he advised that although there would be sanctions available through the Court system as far as offenders were concerned no further sanctions had been identified, although it was accepted that there would need to be a degree of negotiation with those families identified.

Members expressed support for the project with the sincere hope that it would make a difference to those families identified.

The Health Reform Programme Lead thanked Members for their appreciation and support in relation to the project.

In responding to a question from a Member in relation to the posts being offered the Assistant Director of Quality and Partnership advised that a former Police Officer, Career Soldier and Parenting Support Worker all of whom had past experience working with families had been identified for the posts advertised.

The Chair requested that information be distributed to Members relating to the percentage of troubled families identified in comparison with the number of households in the Dudley Borough.

The Chair wished Officers luck and success with the project.

RESOLVED

CSCSSC/17

- (1) That the information contained in the report, and Appendix to the report, submitted on the Department for Communities and Local Government Troubled Families initiative and its implementation in Dudley, be noted.
- (2) That Members comments referred to above, be noted.

25. TO CONSIDER WHETHER TO REQUEST THE ATTENDANCE OF ANY SAFE AND SOUND BOARD MEMBER OR THE PROVISION OF ANY INFORMATION AT A FUTURE MEETING IN RELATION TO THE COMMUNITY SAFETY AND COMMUNITY SERVICES SCRUTINY COMMITTEE WORK PROGRAMME.

Following discussion on this issue it was:

RESOLVED

That the attendance of any Safe and Sound Board Member or the provision of any information at the next meeting be not pursued.

The meeting ended at 7.15pm.

CHAIRMAN

DEVELOPMENT CONTROL COMMITTEE

Tuesday 9th October, 2012 at 6.00 pm
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Harris (Chair)
Councillor Roberts (Vice-Chair)
Councillors A Ahmed, Casey, Herbert, S Turner, Mrs Westwood, C Wilson
and Wright

OFFICERS:-

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

35 APOLOGY FOR ABSENCE

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

36 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor A Ahmed had been appointed as a substitute
member for Councillor Zada for this meeting only.

37 DECLARATIONS OF INTEREST

Declarations of non-pecuniary interests, in accordance with the Members'
Code of Conduct, were made by Councillor Wright in Planning Application No
P12/0733 (Change of use from Vacant Garage to Education Facility) in view
of reference made to the West Midlands Fire Service, as he is a member of
the West Midlands Fire and Rescue Authority and in Planning Application No
P12/1005 (Land Adjacent to Tipton Road, Dudley) in view of reference made
to the Black Country Living Museum as he is a Trustee.

38 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 17th September, 2012, be approved as a correct record and signed.

39 PLANS AND APPLICATIONS TO DEVELOP

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

- (i) Plan No P12/0664 – Treetops Nursery, 7 Manderston Close, Dudley – Two Storey Rear Extension

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

- (ii) Plan No P12/0680 – S De Saulles and Son Ltd, St Johns Road, Stourbridge – Erection of Two Storey Education Building Comprising 7 No Classrooms and Ancillary Facilities

Decision: Approved, subject to conditions, numbered 1 to 19 (inclusive), as set out in the report submitted, together with additional conditions, numbered 20 and 21, as follows:-

20. The existing 2.4m high wall located on the boundary between the development site and adjacent residential site of St Giles Row shall be kept in its entirety throughout the lifetime of the development.
21. Prior to the installation of any fixed Closed Circuit Television (CCTV) details shall be submitted to and approved in writing by the Local Planning Authority. The CCTV shall be implemented in accordance with the approved details and be maintained for the life of the development unless otherwise agreed in writing.

- (iii) Plan No P12/0733 – 62-69 Cinder Bank, Netherton – Change of use from Vacant Garage to Education Facility

Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted, together with additional conditions, numbered 8 to 10, as follows:-

8. Development shall not commence until details of a traffic management procedure for the site has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented, in accordance with the details approved by the Local Planning Authority, on the development being brought into use and thereafter maintained for the life of the development.
 9. Development shall not commence until details of secure and undercover cycle storage and shower facilities has been submitted to and approved in writing by the Local Planning Authority. The cycle storage and shower facilities shall be implemented, in accordance with the details approved by the Local Planning Authority, on the development being brought into use and thereafter maintained for the life of the development.
 10. Development shall not commence until details of how existing underground storage tanks are to be filled in or made structurally safe have been submitted to and approved in writing by the Local Planning Authority. Prior to first use of the development, the development shall be carried out in complete accordance with the approved details and thereafter maintained for the life of the development.
- (iv) Plan No P12/0977 – Land Adjacent to 15 Judge Road, Quarry Bank, Brierley Hill – Erection of 1 No Dwelling
- Decision: That consideration of this application be deferred pending a site visit to be held prior to the next meeting of the Committee.
- (v) Plan No P12/1005 – Land Adjacent to Tipton Road, Dudley – Provision of 85M Length of Highway, Including New Roundabout, Providing Link from Tipton Road into Castle Hill Development Site
- Decision: That Director of the Urban Environment be authorised to approve the application subject to resolving the outstanding objection received from the Coal Authority and to conditions numbered 1 to 11 (inclusive), as set out in the report submitted.
- (vi) Plan No P12/1112 – 69 and 69A Frankley Avenue, Halesowen – Conversion of Existing Granny Annexe (No 69A) to 1 No Dwelling with New Window to Rear Elevation and Associated Parking (Following Demolition of Existing Garage). Widen Existing Driveway and Elevational Changes to No 69 (Resubmission of Refused Application P12/0867)
- Decision: Refused, for the reason as set out in the report submitted.

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

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

- (viii) Plan No P12/0741 – Land Adjacent to 3 Bird Street, Lower Gornal, Dudley – Erection of 6 No Dwellings

During the consideration of the application Members expressed concerns that the existing dwelling would suffer from overlooking as people would be walking past their kitchen window, there were too many houses proposed for the amount of space available and that the development was detrimental to the characteristic and amenity of the area.

Decision: Refused, for the following reasons:-

1. The proposed development would have an adverse impact on the character of this part of Bird Street by reason of the set back of the proposed properties in relation to adjacent properties, the parking dominated frontage and the lack of any form of enclosure along the site's front boundary. Within the immediate vicinity of the application site properties are either located close to or at back of footpath or set back behind single car length parking areas with front boundary walls and fences being a key characteristic. In the context of this setting the proposal would constitute an incongruous element within the existing pattern of development and detrimental to the appearance of the street scene. The development is therefore contrary to Saved UDP Policy DD4 and Policy ENV2 of the Black Country Core Strategy.
2. The development, by reason of the siting of the proposed buildings, would result in a loss of light to the kitchen window on the side elevation of no.3 Bird Street. The window is the sole source of light to the kitchen at the property. Outlook from the window would be adversely affected as a result of the close proximity of the nearest proposed building, and a loss of privacy would occur. As such the development contravenes Saved UDP Policy DD4.

The meeting ended at 7.15 pm.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

Monday 29th October, 2012 at 6.00 pm
in Committee Room 2, The Council House, Dudley

Due to technical difficulties the meeting adjourned at 6.05 pm and reconvened at 6.40 pm.

PRESENT:-

Councillor Harris (Chair)
Councillor Roberts (Vice-Chair)
Councillors Casey, Herbert, S Turner, Mrs Westwood, C Wilson, Wright and Zada

OFFICERS:-

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

40 DECLARATIONS OF INTEREST

Declarations of disclosable pecuniary and non-pecuniary interests, in accordance with the Members' Code of Conduct, were made by the following:-

Councillor Wright declared non-pecuniary interests in Planning Application Nos P12/1127 (16 Moden Hill, Sedgley) and P12/1016 (13D Vale Street, Amblecote) in view of reference made to the West Midlands Fire Service, as he is a member of the West Midlands Fire and Rescue Authority.

Councillor Wright declared a non-pecuniary interest in Planning Application No P12/0866 (1 Chapel Walk, Lower Gornal, Dudley) as he personally knew the applicant and objector and that both had lobbied him and he indicated that he would leave the room during consideration of this item.

Councillor Roberts declared a disclosable pecuniary interest in Planning Application No P12/0612 (The Holly Hall School, Scotts Green Close, Dudley) as she is a Governor of the Academy and she withdrew from the meeting during consideration of this item.

41 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 9th October, 2012, be approved as a correct record and signed.

42 SITE VISITS

Consideration was given to the following planning applications in respect of which a site visit had been made on Thursday, 25th October, 2012, by Members of the Committee.

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

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

- (ii) Plan No P12/0977 – Land Adjacent to 15 Judge Road, Quarry Bank, Brierley Hill – Erection of 1 No Dwelling

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

43 PLANS AND APPLICATIONS TO DEVELOP

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

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

Plan No P12/0612 – Mr K Hampton – an objector and Mr S Louth– an agent

Plan No P12/1145 – Mr R Harris on behalf of Mr and Mrs Clayton – objectors and Mr Broadstock – an agent/applicant

- (i) Plan No P12/0612 – The Holly Hall School, Scotts Green Close, Dudley – Erection of Sports Hall and Astro Turf Pitch with Fence Surround and Ancillary Floodlighting

(Having previously declared a disclosable pecuniary interest in this item Councillor Roberts withdrew from the meeting during its consideration and rejoined the meeting following its consideration).

Decision: Approved, subject to conditions, numbered 1 to 5 and 7 to 12 (inclusive), as set out in the report submitted, together with a revised condition, numbered 6 and additional condition, numbered 13, as follows:-

6. The 6 No 10 metre high floodlights and astro turf sports pitch hereby approved shall be used only between 08.00 and 21.00 hours Mondays to Saturdays, 09.00 until 18.00 hours on Sundays and Public Holidays.
13. Landscaping and tree planting within the school site which forms a buffer to residential properties to the north and west of the site shall be retained for the life of the development.

- (ii) Plan No P12/1145 – 7 Sunningdale, Halesowen – First Floor Side/Rear Extension (Resubmission of Withdrawn Application P11/1572)

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

- (iii) Plan No P12/0432 – 43 Worcester Street, Stourbridge – Erection of a 4 Storey Building Providing 10 No Flats and Associated Works

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

13. Landscaping details to be submitted for approval prior to the start of the development and thereafter implemented in accordance with the approved plan.

- (iv) Plan No P12/0858 – 9 Penns Wood Close, Sedgley, Dudley – Fell 1 Oak Tree

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

- (v) Plan No P12/0860 – St Andrews House, Quarry Park Road, Stourbridge – Fell 1 Oak Tree. Reduce and Reshape 1 Sycamore Tree by 30% and Remove Deadwood. Crown Lift, Reshape and Remove Deadwood from 1 Larch Tree

Decision:

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

- (2) That Part B of the application to crown reduce 1 Sycamore Tree by 30% and crown lift 1 Larch Tree be approved subject to the condition, numbered 1, as set out in the report submitted.
- (vi) Plan No P12/0964 – 24 Brockmoor Close, Oldswinford, Stourbridge – Fell 1 Silver Birch Tree
- Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.
- (vii) Plan No P12/1028 – 8 The Lawley, Hayley Green, Halesowen – Fell 1 No Oak Tree
- Decision: Approved, subject to the condition, numbered 1, as set out in the report submitted.
- (viii) Plan No P12/1030 – 10 Bracken Park Gardens, Wordsley, Stourbridge – Fell 1 No Poplar Tree
- Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.
- (ix) Plan No P12/1090 – 6 Oldfield Drive, Oldswinford, Stourbridge – Fell and Replace 1 Hornbeam Tree
- Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.
- (x) Plan No P12/1127 – 16 Moden Hill, Sedgley, Dudley – Erection of 1 No Dwelling
- During the consideration of this application Members expressed concern that there were no significant changes to the previous application that had been submitted and it was considered that the development was still overbearing, too big for the area and would be detrimental to neighbouring properties.
- Decision: Refused, for the reason that the proposed dwelling, due to its position and scale, would result in a form of development that would be detrimental to the amenities of the occupiers of neighbouring properties through the overlooking of private rear gardens and the overbearing nature of the structure. The proposal would therefore be contrary to Policy DD4 of the Saved UDP.
- (xi) Plan No P12/1164 – Holy Trinity Church (Church of England), Vicarage Road, Amblecote – Fell 17 Fir Trees
- Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (xii) Plan No P12/1180 – Blowers Green Recycling Centre (Site B Office and Blowers Green Road, Dudley – Second Storey Mess Room with External Staircase and Handrail)

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

- (xiii) Plan No P12/0866 – 1 Chapel Walk, Lower Gornal – Part A: New 1.8M High Boundary Wall (Retrospective). Part B: Two Storey Front/Side Extension (Part Retrospective)

(Having previously declared a non-pecuniary interest in this item Councillor Wright withdrew from the meeting during its consideration and rejoined the meeting following its consideration).

At this juncture Councillor S Turner indicated that he had also been involved with the application and withdrew from the meeting during its consideration and rejoined the meeting following its consideration.

Decision:

- (1) That Part A of the application for the new 1.8m high boundary wall be refused for the reason as set out in the report submitted.
- (2) That Part B of the application for a two-storey front/side extension be approved.

- (xiv) Plan No P12/1016 – 13D Vale Street, Amblecote, Stourbridge – Erection of 2 No Dwellings

During the consideration of this application Members expressed concern that the development would result in an uncharacteristic intrusion into the existing pattern of development in the area and that increased use of the access drive and the general level of activity associated with the dwellings would result in noise and general disturbance to occupants of adjoining properties. Concerns were also expressed about the current parking problems and the vehicular access to Vale Street given its close proximity to busy roads.

Decision: Refused, for the following reasons:-

1. The proposed form of development would result in an uncharacteristic intrusion into the existing linear pattern of development in the area due to its siting at the rear of dwellings, and would appear cramped and unsatisfactorily integrated into the existing residential layout. As such the development would result in an over intensification of the site which would have an adverse impact on the character of the area contrary to Saved Policies DD1 (Urban Design) and DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan and the advice given in the New Housing Development Supplementary Planning Document.
2. The increased use of the access drive by vehicles and the general level of activity associated with the proposed dwellings would cause harm through increased noise and general disturbance to the living conditions of occupants of adjacent properties. In addition there would be a loss of outlook to the occupiers of nearby dwellings because the proposed development would be in a 'backland' situation and in close proximity to their rear gardens. As a result the development would be detrimental to existing residential amenity, contrary to Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan.
3. The development would have a detrimental effect upon highway safety in the vicinity of the site by virtue of the site having insufficient space within the development for vehicles to manoeuvre in and out of the proposed parking spaces, which would result in additional vehicle parking occurring upon the busy narrow through road of Vale Street where on street parking is prominent. As a result the development would fail to accord with Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan.

(xv) Plan No P12/1040 – 49 Chase Road, Brierley Hill – Erection of 4 No Dwellings

During the consideration of this application Members expressed concerns that highway safety would be compromised as the road was very narrow, there was insufficient parking and that cars reversed from driveways onto a busy road and that the development was not appropriate for the area.

Decision: Refused, for the following reasons:-

1. The proposed development with a design of cramped appearance and siting in close proximity to the junction with Coopers Bank Road constitutes an overdevelopment of the site that is likely to attract car parking near to a busy road junction, which would have an adverse impact on character, amenity and highway safety of the locality, contrary to Policy ENV 2 of the BCCS and saved policies DD1 and DD4 of the UDP and Housing SPD.
2. The proposed development fails to provide adequate or appropriate rear amenity space for Plot 1, which is a family dwelling house, to the detriment of amenity for the future occupiers. As such the development would be contrary to saved policy DD4 of the UDP and New Housing SPD.

(xvi) Plan No P12/1095 – 5 Woodthorpe Drive, Pedmore, Stourbridge – First Floor Side Extension and Replace Existing Flat Roof on Garage with Pitched Roof

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

(xvii) Plan No P12/1201 – 19 Ridge Road, Kingswinford – Single Storey Side/Rear Extension and Formation of Habitable Rooms in Roofspace

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

44

PROPOSAL TO APPLY AN ARTICLE 4(1) DIRECTION TO THE SITE AT ASSET STORAGE LTD, PLATTS ROAD, AMBLECOTE, STOURBRIDGE TO WITHDRAW PERMITTED DEVELOPMENT RIGHTS GIVEN UNDER PART 31, CLASS A (ANY BUILDING OPERATION CONSISTING THE DEMOLITION OF A BUILDING) OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED)

A report of the Director of the Urban Environment was submitted on the making of a Direction Under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 so that the demolition of the Heritage Assets at Platts Road, Amblecote, comprising buildings of the former Platts Glassworks comes under the control of the Local Planning Authority.

RESOLVED

That the Cabinet Member for Economic Regeneration be recommended to approve:-

- (1) The making of an Immediate Direction Under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), which would remove permitted development rights under Schedule 2, Part 31, Class A (Any building operation consisting the demolition of a building) to the site at Asset Storage Ltd, Platts Road, Amblecote, Stourbridge and that the Direction be served with immediate effect, in accordance with Article 6 of that Order;
- (2) To serve notice of the Direction in accordance with Article 5 of the Order referred to;
- (3) To submit a copy of the Direction to the Secretary of State in accordance with Article 6(2) of the Order referred to.

The meeting ended at 9.05 pm.

CHAIR

DISCIPLINARY/DISMISSAL/GRADING APPEALS COMMITTEE

Tuesday 2nd October, 2012, at 10.00 a.m.
in Committee Room 3

PRESENT

Councillor J Martin (Chair)
Councillor Hale (Vice-Chair)
Councillors A Aston, Ms Nicholls and Mrs Rogers, together with Ms K Jesson - Head of Human Resources, Miss S Riaz – Solicitor for the Council, Mrs J Hartley – Senior Solicitor and Miss K Fellows (all Directorate of Corporate Resources)

ALSO IN ATTENDANCE (AS INDICATED)

An Assistant Director of Adult, Community and Housing Services and Ms JW Mrs B (Appellant's representative)
Ms L Graham - Advocate (POHWER)
Mrs T Reilly – Assistant Director Corporate Resources (Human Resources and Organisational Development)

6. APOLOGY FOR ABSENCE

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

7. DECLARATIONS OF INTEREST

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

8. MINUTES

That, subject to the inclusion of Councillor A Aston in the list of apologies for absence, the Minutes of the meeting of the Committee held on 30th May, 2012, be approved as a correct record and signed.

9. EXCLUSION OF THE PUBLIC

RESOLVED

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

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

10. APPEAL BY MS JB

The Committee considered an appeal on behalf of Ms JB against her dismissal from the employment of the Council. Ms JB chose not to attend the Appeal but to send her mother, Mrs JB, to represent her. The Council's procedure was followed.

There followed an initial adjournment in order for the Panel to consider and determine the request of Mrs JB to tape record the hearing.

The Panel denied the request of Mrs JB on the basis of grounds of confidentiality. This was conveyed to Mrs JB.

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

Mrs JB, the Appellant's mother, was in attendance at the meeting to represent her daughter Ms JB, together with Ms L Graham (POHWER Representative).

The Appellants representative presented Ms JB's case and responded to the Panels questions.

The Council's representative, Mrs J Hartley, then presented the Council's case in the presence of the Appellant's representative and responded to questions from the Panel and the Solicitor for the Council.

There followed a short adjournment in order for the Appellant's representative to consider whether she wished to put forward any new medical evidence on the basis that the Panel had noted that the reasons for Ms JB's absence from work had changed on the Statement of Fitness for Work notes.

The meeting was re-convened and the Appellant's representative advised the Panel that she did not wish to introduce new medical evidence.

The Council's representative, Mrs J Hartley called an Assistant Director of Adult, Community and Housing Services and a Ms JW from the Directorate of Adult, Community and Housing Services as witnesses and Ms JW responded to a question asked by a Panel Member.

Both parties made their final submissions. Following their submissions the parties left the meeting, at which point the Committee continued its deliberation. Following its deliberation it was

RESOLVED

That the Committee determine that the allegation of gross misconduct by Ms JB is proven and that the decision to dismiss her be upheld.

The meeting ended at 1.20pm

CHAIR

LICENSING SUB-COMMITTEE 3

Tuesday 25th September, 2012 at 10.45 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor K Finch (Chair)
Councillors M Aston and James

Officers

Mr T Holder (Legal Advisor), Mrs J Elliott (Licensing Officer) and Miss H Shepherd (Directorate of Corporate Resources).

Also in attendance

One member of the public

10. DECLARATIONS OF INTEREST

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

11. MINUTES

RESOLVED

That, the minutes of the meeting held on 21st August 2012, be approved as a correct record and signed.

12. APPLICATION FOR REVIEW OF PREMISES LICENCE – KAL AND BROTHERS NEWS, 35 CHURCH STREET, PENSNETT, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted to consider an application for the review of a premises licence in respect of Kal and Brothers News, 35 Church Street, Pensnett, Brierley Hill.

It was noted that the applicant was not in attendance at the meeting.

The Licensing Officer confirmed that the applicant had requested a deferment.

RESOLVED

That the application for review of a premises licence in respect of Kal and Brothers News, 35 Church Street, Brierley Hill be deferred to a future Sub-Committee meeting.

13. APPLICATION TO VARY A PREMISES LICENCE – KATIE FITZGERALD'S, 187 ENVILLE STREET, STOURBRIDGE

A report of the Director of the Corporate Resources was submitted to consider the application for variation of the premises licence in respect of the premises known as Katie Fitzgerald's, 187 Enville Street, Stourbridge, West Midlands.

Mrs P Keane, the current premises licence holder, was in attendance at the meeting, together with her colleague Mr D Morton.

Also in attendance and objecting to the application was Mr L Hanna, a petition organiser and a representative from Dudley Public Health.

Also in attendance and making representations was Ms D Nellany on behalf of Food and Occupational Safety, Directorate of the Urban Environment together with three members of the public.

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

Ms Nellany then made her representations on behalf of Food and Occupational Safety, and in doing so informed the Sub-Committee that a noise complaint from a resident had been received in May and again in August 2012. She stated that the noise nuisance reported by the complainant had mainly been in relation to customers using the marquee bar, however the volume of music in the cellar bar had also been raised. She confirmed that letters had been sent to Katie Fitzgerald's on both occasions informing them of the complaints received and that log sheets had been provided to the complainant to complete, however none had been returned to date as it was recommended that they were recorded over a two month period.

She made reference to the difficulty of soundproofing a marquee especially if used as a smoking area as it needed to be open 50%, which enabled noise to escape.

She suggested that if the Sub-Committee were to agree to the granting of the variation, it was recommended that the conditions, included in the report circulated to Members and interested parties prior to the meeting, be taken into consideration and attached to the licence.

In response to a question raised by a Member, Ms Nellany confirmed that the complainant had been a resident in close proximity to the property and that both complaints had been received from the same person.

Mr Hanna then presented his reasons for organising the petition that had been circulated to Members and interested parties prior to the meeting and his objections to the application.

He stated that he was concerned about the noise levels currently in the area not just from Katie Fitzgerald's, but from other public houses in the vicinity and the effect it was having on the local residents, some of which had families with children under the age of 16. He stated that he had witnessed customers leaving Katie Fitzgerald's premises with glasses and bottles and that on occasions had felt intimidated by people's behaviour. He also informed the Sub-Committee that he experienced shouting and swearing on a regular basis and that he had witnessed people urinating against the side of the property as well as people destroying the advertising board and littering it across the street and setting it on fire. He believed that the 'leave quietly' signage displayed was blatantly ignored.

The Dudley Public Health representative then presented the case on behalf of the Dudley Primary Care Trust and in doing so informed the Sub-Committee that there had been twenty attendances at Accident and Emergency for assaults, but it had been difficult to relate them to a specific venue, however, one incident had been identified as a result of violence outside of Katie Fitzgerald's.

A Member raised concerns as to why the one incident relating to Katie Fitzgerald's had not been indicated in the report submitted prior to the meeting and it was therefore considered to only take the written evidence into consideration.

Mrs P Keane then presented her case and informed the Sub-Committee that the sides of the Marquee bar had been removed, however following the receipt of the complaints they had all been replaced and a smaller smoking area had now been designated at the furthest possible location away from the residents in Mamble Road. She stated that trees had been planted along the marquee walls to try to dull out noise, windows downstairs had been filled and bricked up and signage asking customers to be quiet displayed. She stated that the application was not asking for music till late, as she herself considered that not to be fair to residents and that there was no intention for music to be played in the marquee bar.

In response to a question raised it was confirmed that the maximum capacity for the upstairs bar was 80 and for the downstairs bar it was 50.

Mrs Keane stated that noise and vandalism in the area was considered to be a problem, but they too were victims of it. Mr Morton stated that on several occasions neighbours had contacted the public house complaining of noise when the premises had not even been open.

In response to a question asked by the Legal Advisor in relation to what Mrs Keane would do to prevent the noise nuisance, she stated that she would ask all customer to vacate the marquee bar no later than 23:30 and that anyone wishing to use the smoking area after that time would have to leave the premises.

Mr Morton stated that the intention was not to extend the time of the music and it would continue to finish at 23:00 but to enable people to wind down following and help stagger people leaving.

The Licensing Officer referred to the conditions stipulated by the applicant in their application and stated that if the application were to be granted that the marquee bar and terraced area would have to be cleared by 23:30 as stipulated, else they would be in breach of their licence.

Mr Hanna raised concerns on the impact the noise was having on the residents making particular reference to taxis arriving and leaving at an array of times and the several phone calls made complaining to the public house with regard to the noise.

Mrs Keane reiterated that on occasions when receiving phone calls complaining of the noise levels, the premises had been closed or completely empty.

Ms Nellany asked questions in relation to the structure of the marquee bar and reiterated that it would be almost impossible and extremely expensive to sound control a tent like structure.

In response to a question raised in relation to how she would clear the marquee bar if the upstairs bar was full to capacity and how she would deal with rowdy customers who did not want to move inside, Mrs Keane stated that the premises was no longer full too capacity and that customers would be told to move, which they normally did once the music had ended as it was already part of their current practise.

It was reiterated to Mrs Keane that it would be a condition on her licence that the marquee and terrace area would have to be clear by 23:30 and she would be in breach of that said licence if it were not.

Following a question raised by a Member it was confirmed that there was ventilation extractors and air conditioning on the premises.

In response to a question raised Mrs Keane stated that all staff are trained and would monitor the exits to ensure that no customers would use the marquee bar, terrace area or smoking area after 23:30 as well as herself or Mr Morton being on the premises.

In response to a further question Mrs Keane stated that she did use a particular taxi firm and had previously stopped using a company due to noise disturbance.

Mrs Keane confirmed that the rear entrance was generally closed, but opened for bands to manoeuvre their equipment in and out of the premises.

The Legal Advisor raised a question with regard to how they would prevent and monitor people entering the premises after 22:50 and reiterated that it would be a condition on the licence and if anyone other than those stipulated in the application were to enter the premises after that time, it would be a breach of the conditions of the licence and would be brought back to the Sub-Committee for a review and possible prosecution. She stated that all staff would be trained and the doors would be monitored.

In summing up Mr Hanna reiterated his comments on the effects the noise nuisance was having on the residents.

In summing up Mrs Keane stated that she very much hoped that the application would be granted as she needed to compete with other businesses in the area and that she would make every effort to eliminate noise nuisance. Mr Morton added that they had been in business for twelve years and in that time had never experienced any serious problems. He considered Katie Fitzgerald's to be one of the best and most responsible public houses in Stourbridge.

Before the parties withdrew from the sub-committee to consider the application and the information presented to them at the meeting, the Legal Advisor reiterated to Mrs Keane and Mr Morton the importance of adhering to the conditions on a licence and explained if they were to be in breach of any of the conditions it would be a criminal offence.

Following all comments, the Legal Advisor stated that the Sub-Committee would determine the application made on behalf of Katie Fitzgerald's on the information and representations made at the meeting.

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

RESOLVED

That the application for variation of the premises licence in respect of the premises known as Katie Fitzgerald's, 187 Enville Street, Stourbridge, be approved, subject to the following conditions:-

Sale of Alcohol

Monday – Saturday	10:00 - 00:30
Sunday	12:00 – 00:30

Conditions

- (1) No regulated entertainment to take place in the marquee or other outdoor areas.
- (2) Doors and windows of the premises will be closed during regulated entertainment except for access and egress.

- (3) Signs will be prominently displayed requesting customers to leave in a quiet manner.
- (4) Marquee bar to close at 23:15
- (5) Live music to finish throughout the premises at 23:00
- (6) Patio area to be cleared by 23:30
- (7) Cellar Bar to close at 00:00
- (8) No admission to new customers after 23:30
- (9) New fence to be erected at the rear of the premises
- (10) Continue to liaise with customers

The meeting ended at 1.05pm

CHAIR

LICENSING SUB-COMMITTEE 3

Tuesday 30th October, 2012 at 10.20 am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillors Bills, Cowell and Taylor

Officers

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

Also in attendance

Councillor Herbert (observer) and a member of the press.

14. ELECTION OF CHAIR

In the absence of the chair (Councillor K Finch) it was

RESOLVED

That Councillor Bills be elected Chair for this meeting of the Sub-Committee only.

(Councillor Bills in the Chair)

15. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Councillors M. Aston, K. Finch and James.

16. APPOINTMENT OF SUBSTITUTE MEMBERS

It was reported that Councillors Bills, Cowell and Taylor had been appointed as substitute Members for Councillors M. Aston, K. Finch and James respectively for this meeting of the Sub-Committee only.

17. DECLARATIONS OF INTEREST

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

18. MINUTES

RESOLVED

That, the minutes of the meeting held on 25th September 2012, be approved as a correct record and signed.

19. APPLICATION FOR REVIEW OF PREMISES LICENCE – 135 PRIORY ROAD, DUDLEY

A report of the Director of Corporate Resources was submitted to consider an application for the review of a premises licence in respect of 135 Priory Road, Dudley.

Mr T Raj, Designated Premises Supervisor, was in attendance together with his Solicitor, Mr D Campbell and a supporter.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Enforcement Officer, both from the Directorate of the Urban Environment.

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

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

Mr King informed the Sub-Committee that on 15th August, 2012, a sixteen year old child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives

It was further noted that on 1st July, 2011 and 3rd February, 2012 complaints had been submitted alleging that alcohol had been sold to underage persons.

Mr King stated that on 4th May, 2012 a test purchase exercise had been conducted at the premises, where no sale had been made.

On 10th July, 2012 an officer from Trading Standards carried out a visit to the premises and spoke to a Miss H Randhewa, who was an employee and niece of the Designated Premises Supervisor, Mr Raj. It was noted that Mr Raj was not at the premises. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, information in respect of acceptable proof of age and the importance of keeping a refusals register. Miss Randhewa was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card, and was requested to deliver the information to Mr Raj to ensure that all staff were aware of their obligations under the Licensing Act 2003. She was also informed that test purchasing was carried out at premises. It was reported that during the course of this visit, Miss Randhewa signed a form to acknowledge receipt of the information pack.

Mr King further stated that on 15th August, 2012, Trading Standards together with West Midlands Police, carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a sixteen year old female test purchaser volunteer purchased a 70cl bottle of Caribbean Twist Mixed Mango drink, 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been a Miss K Kaur. It was noted that Mr Raj was not present at the premises at the time of the sale.

During the questioning of Miss Kaur in respect of the sale, she stated that she had thought that the test purchaser volunteer appeared to be eighteen years old.

Mr Raj then attended the premises and spoke to officers where he confirmed that there was a refusals register for the premises but that he could not locate it. Mr Raj was also unable to produce any training records for the members of staff who worked at the premises.

It was further noted that on inspection of the premises, the only Age Restricted Products poster displayed was that relating to the offence of proxy sales.

Miss Kaur was then issued with a Fixed Penalty Notice.

Mr King further stated that on 17th August, 2012 Mr G Wintrip attended the premises following a request by Mr Raj who presented the refusals register which was seen to have a large number of entries listed.

A full list of proposed additional conditions which had been suggested by Trading Standards had been circulated to all parties prior to the meeting.

Reference was made to the additional information submitted prior to the meeting, in order to amplify concerns raised in relation to the poor management of the premises. Mr Campbell stated that the information supplied by a local resident was based on allegations and that there were no actual proof submitted.

Mr Campbell then referred to the suggested conditions submitted by Trading Standards, and confirmed that Mr Raj accepted all conditions except for condition number eight which stated that no supply of alcohol may be made under the premises licence at a time when the Designated Premises Supervisor does not hold the Level Two Award for Designated Premises Supervisors. Mr Campbell stated that this condition was not necessary, as it had been confirmed that Mr Raj had previously undertaken the training.

In responding to a question by Mr Campbell, Mr King confirmed that by implementing the conditions it might address the concerns expressed by Trading Standards.

Mr Campbell then presented the case on behalf of Mr Raj, and in doing so stated that Mr Raj had taken the matter seriously, and accepted that the sale on 15th August, 2012 had taken place by Miss Kaur.

Reference was made to the statement submitted by Mr Raj, which had been circulated to all parties prior to the meeting, in particular of the training programme that would be implemented. It was noted that employees would be retrained and within a week they would be expected to complete a competency test together with a document to be signed to confirm their understanding of the law.

It was further noted that Mr Raj had intended to operate the Challenge 25 policy, maintain the refusals register, retain CCTV footage to allow any reasonable authority to review, and to display all appropriate signage in the premises.

Reference was then made to conditions submitted which had been suggested by West Midlands Police, Mr Campbell confirmed that Mr Raj was agreeable to all conditions except for the condition that stated that a SIA trained person to be at the store from the hours of 1900 hours until closing, as it would be inappropriate to include this as a condition of licence.

It was noted that Mr Raj had been the victim of serious crime, and had been assaulted resulting in injury by robbers and recently there had been an attempted robbery at the premises, resulting in Mr Raj engaging the services of a SIA registered door supervisor.

In responding to a question by Mr Campbell, Mr Raj confirmed that he understood that if he breached any conditions of licence then the Sub-Committee would review the matter and that he regretted that the sale had been made.

In responding to comments made by Mr Campbell in respect of the condition submitted by West Midlands Police in regard to the SIA registered person being present at the premises, the Licensing Officer confirmed that it would not be appropriate to attach the condition on the licence.

In responding to comments made in regard to the training adopted before and after the sale, Mr Campbell stated that training had been developed following the sale on 15th August, and although training had taken place prior to the sale it had not been documented.

In responding to a question by a member in regard to how vigorous the competency test was for employees, Mr Campbell confirmed that the test would ensure all employees understood the law and implications following a sale of age restricted products to underaged persons. He further confirmed that Mr Raj had delivered the training and all employees had passed the test.

Concerns were raised in regard to the lack of training to members of staff and Mr Raj's understanding of the training that he had undertaken whilst obtaining his Personal Licence, Mr Campbell responded by indicating that training had now been implemented and referred to the test purchase exercise on 4th May, 2012 which had resulted in a refusal of sale.

In responding to a question by a member in relation to the employment of Miss Kaur, Mr Raj confirmed that Miss Kaur had been employed for three to four weeks when the sale on 15th August, 2012 had taken place and although she had received training she had made a mistake on that day. It was further noted that at the time of the sale, Miss Kaur was the only member of staff at the premises.

In responding to a question by the Licensing Officer, Mr Campbell confirmed that Mr Raj undertook the evening shift alongside the SIA register door supervisor, and during the day there were one member of staff at the premises, which Mr Raj considered to be sufficient.

Mr King then referred to Mr Raj's statement that he did not accept condition eight, as there had been conflicting statements made today that indicated that Mr Raj had undertaken a Level Two Award for Designated Premises Supervisor, and that he was concerned that if Mr Raj had undertaken the training that it had not been implemented or understood correctly. Mr Campbell stated that Mr Raj did not realise he had taken the qualification, and that as it was confirmed that he had received training there were no reason to attach the condition to his licence.

In responding to comments made by the Legal Advisor in regard to the condition in regard to the Level Two Award and given that Mr Raj held the qualification the condition would not be imposing anything that Mr Raj would have to undertake, Mr Campbell stated that Mr Raj would be agreeable for the condition to be attached to the licence.

In responding to a question by the Legal Advisor, Mr Raj confirmed that Miss Randhewa did inform him of the visit by Trading Standards on 10th July, 2012, but failed to mention that test purchase exercises would be carried out at the premises in the future. He also confirmed that the information pack presented to Miss Randhewa had been given to Mr Raj, however Mr Raj did not read all the contents, as he did not understand the information.

In responding to a question by the Legal Advisor in regard to the failure to locate the refusals register following the sale on 15th August, 2012, Mr Raj stated that the refusals register was placed under the counter, however it had been misplaced within a large amount of paperwork. It was further noted that Miss Kaur was aware that the register was under the counter, but that she had been confused.

Reference was made to comments made and it was apparent that the issues raised were not primarily in regard of one unlawful sale, but of the poor management of the premises by Mr Raj.

Following comments made in regard to the number of entries on the refusals register, Mr Raj confirmed that on average two to three underaged persons per week attended the premises in order to purchase alcohol, but that the refusals had been entered into the register. Mr Raj then presented the refusals register for the Sub-Committee to view.

Mr Wintrip then referred to comments made by Mr Campbell and informed the Sub-Committee that when he requested the refusals register Miss Kaur was unable to locate it, and that there were only one poster on display at the premises in respect of proxy sales. It was noted that when Mr Wintrip revisited the premises on 17th August, 2012, there were posters displayed in regard to Challenge 25.

In summing up, Mr Campbell stated that Mr Raj accepted that there was a sale of alcohol to an underaged person on 15th August, 2012 and that he considered it to be a mistake. He further stated that the employee responsible for the sale, Miss Kaur, was no longer employed by Mr Raj, and that all employees had now been trained and tested. Mr Campbell asked that the Sub-Committee consider that the modification of Mr Raj's licence by implementing the conditions suggested by Trading Standards and West Midlands Police would address the concerns raised rather than revocation or suspension.

In responding to a question by the Chair, all parties confirmed that they had a fair hearing.

Following comments from all parties, the Legal Advisor stated that the Sub-Committee would determine the application made on the information submitted and comments made at the meeting by all parties.

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

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

RESOLVED

That, subject to the following conditions being applied to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of 135 Priory Road, Dudley : -

- (1) A Challenge 25 policy will be operated at the premises whereby any individual attempting to purchase alcohol who appears to be under 25 years of age will be asked to provide valid identification to prove they are 18 years or older. All staff must be aware of this policy.
- (2) Valid proof of identification only to include passport, photographic driving licence or a Proof of Age Standards Scheme (PASS) proof of age card such as Citizen card. No other form of identification shall be accepted.
- (3) Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises, including a "Challenge 25" sign of at least A4 size at each point of sale.
- (4) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
- (5) A Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall check the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of the Trading Standards Department and/or Police.
- (6) CCTV to be in place at the premises to the specifications of the West Midlands Police – Crime Reduction Officer so that the alcohol display area and the point off sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request within 24 hours.

- (7) The premises' CCTV shall be reviewed on a weekly basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by an officer of the Trading Standards Department and/or Police. All staff are to be trained to work the CCTV and are able to download when required to do so and the cameras are to be operational during working hours.
- (8) No supply of alcohol may be made under the premises licence at a time when the Designated Premises Supervisor does not hold the Level 2 Award for Designated Premises Supervisors. Proof of qualification shall be provided to the Police and/or an officer of the Trading Standards Department upon request.
- (9) All persons engaged to sell alcohol will have completed a training programme which included a written test to verify the competency of that person prior to them being authorised to sell alcohol.
- (10) The premises licence holder shall ensure that monthly reviews are conducted with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy.
- (11) A file shall be maintained at the premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 10. This file shall be available for inspection an officer the Trading Standards Department and/or Police upon request.

REASON FOR DECISION

The Sub-Committee has listened to significant evidence from both parties to this review application. Mr Raj has accepted the underage sale in August, 2012 and the Sub-Committee also notes that there was a test purchase in May 2012 when the purchase was refused.

Mr Raj has also accepted that he has not fully implemented his level 2 Designated Premises Supervisor training undertaken two years ago delivered by Wolverhampton City Council. He did not fully read the information pack given to him by Trading Standards in July, 2012. Specifically, the refusals register was not available for the member of staff on the day of the test purchase or to Trading Standards, the only poster on display was on proxy sales.

The Sub-Committee accepts that the conditions put forward by trading standards will address the concerns highlighted by this underage sale and they are reasonable and proportionate. Mr Raj agrees all of these conditions except number eight which refers to the Level 2 Designated Premises Supervisors training, which he says he has undertaken, and this is accepted. However, the Sub-Committee has attached this as a general condition of licence. The Sub-Committee also strongly recommends that Mr Raj undertakes the level 2 training again upon his apparent admission that he did not recall undertaking this training and had not implemented it.

20. APPLICATION FOR REVIEW OF PREMISES LICENCE – 24 PRIORY ROAD, DUDLEY

A report of the Director of Corporate Resources was submitted to consider an application for the review of a premises licence in respect of 24 Priory Road, Dudley.

Mrs T Raguvannan, Designated Premises Supervisor, was in attendance together with her Solicitor, Mr P Burke and her husband, Mr R Rasuathurai.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Enforcement Officer, both from the Directorate of the Urban Environment.

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

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

Mr King informed the Sub-Committee that on 15th August, 2012, a sixteen year old child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives

It was further noted that on 14th May, 2010 additional conditions were attached to the premises licence following the sale of alcohol to a fifteen year old test volunteer, at this time the premises were owned by different owners and a different Designated Premises Supervisor. It was noted that the premises subsequently closed on 27th April, 2011.

Mr King further stated that Mrs Raguvannan currently lived in Northampton.

On 10th July, 2012 an officer from Trading Standards carried out a visit to the premises and spoke to a Mr S Nagahara, Mrs Raguvannan was not at the premises at that time. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, information in respect of acceptable proof of age and the importance of keeping a refusals register. Mr Nagahara was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card, and was requested to deliver the information to Mrs Raguvannan to ensure that all staff were aware of their obligations under the Licensing Act 2003. He was also informed that test purchasing was carried out at premises. It was reported that during the course of this visit, Mr Nagahara signed a form to acknowledge receipt of the information pack.

Mr King further stated that on 15th August, 2012, Trading Standards together with West Midlands Police, carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a sixteen year old female test purchaser volunteer purchased a 700ml bottle of WKD Blue, 4% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been a Mr R Rasuathurai, who informed officers that he lived at the premises. It was noted that Mrs Raguvannan was not present at the premises at the time of the sale.

During the questioning in regard of the sale, Mr Rasuathurai had difficulty in responding due to his apparent poor English but did not deny selling the alcohol. He was unable to produce any evidence of formal training but did admit that he knew that a person needed to be eighteen to purchase alcohol.

It was further noted that on inspection of the premises it was ascertained that the old premises licence was displayed, there were no Age Restricted Products poster displayed and there were no entries listed in the refusals register since it had been issued on 10th July, 2012.

It was further noted that the bottle of WKD Blue purchased by the volunteer did not display any label identifying the premises as specified in the conditions which had been attached to the premises licence on 14th May, 2010.

Mr Rasuathurai was then issued with a Fixed Penalty Notice.

Mr King further stated that Mrs Raguvannan had not contacted Trading Standards since the sale despite being requested to do so.

A full list of proposed additional conditions, which had been suggested by Trading Standards, had been circulated to all parties prior to the meeting.

At this juncture, the Licensing Officer informed the Sub-Committee that an application had been granted on 24th October, 2012 for the transfer of the Designated Premises Supervisor from Mrs Raguvannan to Mr Rasuathurai.

Mr Burke then presented the case on behalf of Mrs Raguvannan, and in doing so stated that Mrs Raguvannan and Mr Rasuathurai operated another premises in Northampton for five years and there had been no issues or concerns. He also informed the Sub-Committee that Mr Rasuathurai was not the seller identified on 15th August, 2012, and that it was a Mr S Nagahara who gave a false name to officers and West Midlands Police. It was noted that Mr Nagahara was no longer employed at the premises.

In view of the new information presented to the Sub-Committee in particular that Mr Rasuathurai is now the Designated Premises Supervisor, and the claim that he had not been the seller on 15th August, 2012, the Sub-Committee requested that the meeting be adjourned until 1.30pm.

All parties returned to the meeting at 1.35 pm.

Mr King referred to the information presented to the Sub-Committee earlier in the meeting, and stated that he was satisfied that the seller on 15th August, 2012 was not Mr Rasuathurai and was Mr Nagahara, which was also confirmed by Mr Wintrip who had been present at the time of the sale.

Reference was made to the Fixed Penalty Notice given to Mr Nagahara, Mrs Raguvannan confirmed that she had paid the fixed penalty notice as she considered it was her duty given that the sale had occurred at the premises. Mr Wintrip confirmed that he would liaise with the West Midlands Police in respect of the false information given.

Mr Burke then proceeded to inform the Sub-Committee of his clients background, and in doing so stated that the main reason for Mr Rasuathurai to be confirmed as the Designated Premises Supervisor was due to him becoming more involved with the premises than Mrs Raguvannan, as she would continue to be the Designated Premises Supervisor in Northampton.

In responding to a question by a member, Mr Burke confirmed that both Mrs Raguvannan and Mr Rasuathurai lived in Northampton, and that there were one member of staff who worked at the premises who was reliable and currently obtaining his personal licence.

Reference was made to the statement submitted by West Midlands Police in particular concerns raised in regard to the attempts to access the CCTV, the reporting of the hard drive being stolen, and that Mrs Raguvannan and Mr Rasuathurai had been uncooperative. Mr Burke stated that the statement was incorrect and that his clients had submitted all information relating to Mr Nagahara to West Midlands Police.

It was further noted that a training system would be implemented which would be delivered by both Mrs Raguvannan and Mr Rasuathurai.

Mr Burke then referred to the suggested conditions submitted by Trading Standards and West Midlands Police, and confirmed that his clients accepted all conditions and suggested that two additional conditions be attached to the licence.

- (1) That a Personal Licence Holder be present at the premises at all times.
- (2) That all members of staff to be trained to download CCTV data in order to be reviewed.

Mr Burke further stated that Mrs Raguvannan and Mr Rasuathurai had been disappointed by members of staff who they had trusted at the premises.

Concerns were raised in regard to Mrs Raguvannan and Mr Rasuathurai residing in Northampton and the management of the premises. Mrs Raguvannan stated that she was unable to relocate to Dudley, but that Mr Rasuathurai would be attending the premises on a daily basis and residing at the premises at weekends. Mr Burke further confirmed that there would be one member of staff who had been employed at the premises since it had opened who would supervise in Mr Rasuathurai's absence.

Reference was made to the West Midlands Police statement, which stated that the CCTV system had been concealed under a suspended ceiling in the premises rendering it impracticable to access. Mrs Raguvannan stated that the ceiling tile was not fixed and easily accessible, and that she did not provide staff with access to passwords, as she feared the staff could have deleted data. She further stated that she had since trained a member of staff to access the data and provided him with a password.

The Licensing Officer informed the Sub-Committee that the additional conditions attached to the premises licence on 14th May, 2010 would have been transferred to Mrs Raguvannan's premises licence.

In responding to a question by Mr Wintrip, Mr Burke confirmed that Mr Rasuathurai did obtain a Level 2 Award for Designated Premises Supervisor.

In summing up, Mr Burke stated that Mr Rasuathurai had now become the Designated Premises Supervisor and therefore would have more involvement with the premises. He further stated that Mr Rasuathurai and Mrs Raguvannan had been let down by former members of staff and wished to mirror their success from Northampton to Dudley.

In responding to a question by the Chair, all parties confirmed that they had a fair hearing.

Following comments from all parties, the Legal Advisor stated that the Sub-Committee would determine the application made on the information submitted and comments made at the meeting by all parties.

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

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

RESOLVED

That, subject to the following conditions being amended to the premises licence, no further action to be taken in relation to the review of the premises licence in respect of 24 Priory Road, Dudley : -

- (1) Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises, including a "Challenge 25" sign of at least A4 size at each point of sale.
- (2) Valid proof of identification only to include passport, photographic driving licence (picture card) or a Proof of Age Standards Scheme (PASS) proof of age card such as Citizen card.
- (3) A4 notices to be displayed on the door to the premises where the alcohol is being offered for sale and near the point of sale stating "if you look under 25 please do not be offended if we ask for proof of age when you buy alcohol".
- (4) A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
- (5) A Register of Refusals of Sale of Alcohol which indicates the date, time and reason for refusal will be operated and maintained at the premises. The Premises Licence Holder shall check the book once a week ensuring it is completed and up-to-date. The Premises Licence Holder will sign the book each time it is checked. This book shall be made available for inspection by an officer of the Trading Standards Department and/or Police.
- (6) CCTV to be in place at the premises to the specifications of the West Midlands Police – Crime Reduction Officer so that the alcohol display area and the point off sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request within 24 hours.

- (7) The DPS or a named responsible person shall review the premises' CCTV on a daily basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by a responsible authority and all staff are to be trained in respect of the workings of the CCTV and are able to download recordings when required to do so.
- (8) The DPS shall ensure that all persons authorised to sell alcohol will have completed a training programme which includes a written test to verify the competency of that person.
- (9) The DPS shall conduct monthly reviews with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy.
- (10) The DPS shall maintain a file at the shop premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 9. This file shall be available for inspection by any responsible authority upon request.
- (11) All alcohol sold must be clearly labelled with the name of the premises.
- (12) Relevant checks must be made in respect of all staff to be employed, including full name, address, date of birth together with a photocopy of proof of identity (i.e. passport / driving licence).
- (13) A Personal Licence Holder will be present on the premises at all times.

REASON FOR DECISION

The Sub-Committee has heard significant evidence presented by both parties.

The parties agreed today that the premises now have a new Designated Premises Supervisor, Mr Raguvannan Rasuathurai (DOB 21/10/79), from 24th October, 2012. The parties are also in agreement that Mr Raguvannan Rasuathurai was not the member of staff who made the underage sale on 15th August, 2012. It is alleged that the member of staff making the sale gave false details to the police and Trading Standards. The Sub-Committee has no reason to doubt any of this new information.

The Sub-Committee has concluded that the proposed conditions to the licence, which are agreed between the parties, should address the concerns, which have arisen, and are both reasonable and proportionate.

The Premises Licence Holder has today recognised that these premises have given rise to significantly more concerns and issues in ten months than their original premises have done in five years. For this reason, they recognise that the management of these premises require extra vigilance.

21 APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MR AND MRS BRIDGEWATER – HIGH STREET / PECKINGHAM STREET, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application made by Mr and Mrs Bridgewater for the grant of consent to engage in street trading in High Street / Peckingham Street, Halesowen.

Mr and Mrs Bridgewater, Applicants, were in attendance at the meeting.

Also in attendance at the meeting was Mr P Vangeersdaele, Group Engineer - Traffic & Road Safety, Directorate of the Urban Environment.

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

Following a brief discussion it was

RESOLVED

That the application made by Mr and Mrs Bridgewater for the grant of consent to engage in street trading in High Street / Peckingham Street, Halesowen be approved.

The meeting ended at 2.40pm

CHAIR

LICENSING SUB-COMMITTEE 4

Tuesday 2nd October, 2012 at 10.10 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Roberts (Chair)
Councillors Cowell and Taylor

Officers: -

Mr T Holder (Legal Advisor), Mrs J Elliott (Licensing Officer) and Mrs K Taylor – All Directorate of Corporate Resources.

23 APOLOGY FOR ABSENCE

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

24 APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor Cowell had been appointed as a substitute Member for Councillor Hanif for this meeting of the Sub-Committee only.

25 DECLARATIONS OF INTEREST

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

26 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 28th August, 2012, be approved as a correct record and signed.

27 APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MS S SINNETT

A report of the Director of Corporate Resources was submitted on an application made by Ms S Sinnett for the grant of consent to engage in street trading at Gornal Crematorium, Chase Road, Gornal Wood, Dudley.

Mr I Bailey, Principal Bereavement Services Officer, was in attendance at the meeting.

Also in attendance at the meeting were Ms S Sinnett and her partner, Mr T Wesson.

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

Ms Sinnett then presented her case, and in doing so informed the Sub-Committee that she had a personal interest in selling flowers at the Crematorium as she regularly visited the site, and would like the opportunity to advise customers in respect of purchasing flowers.

In responding to a question by the Legal Advisor, Ms Sinnett stated that she had no previous business experience and outlined her proposals in order to register and set up the business as soon as possible.

Following a brief discussion it was

RESOLVED

That the application made by Ms S Sinnett for the grant of consent to engage in street trading at Gornal Crematorium, Chase Road, Gornal Wood, Dudley be approved.

28

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING – MR AND MRS BRIDGEWATER – HIGH STREET / PECKINGHAM STREET, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application made by Mr and Mrs Bridgewater for the grant of a consent to engage in street trading in High Street / Peckingham Street, Halesowen.

It was noted that the applicants were not in attendance at the meeting.

The Licensing Officer confirmed that the applicants had requested a deferment.

RESOLVED

That the application made by Mr and Mrs Bridgewater for the grant of a consent to engage in street trading in High Street / Peckingham Street be deferred to a future Sub-Committee meeting.

APPLICATION FOR HOUSE TO HOUSE COLLECTIONS LICENCE –
RAINBOW DOG RESCUE

A report of the Director of Corporate Resources was submitted on an application for the grant of a House to House Collections Licence in respect of Rainbow Dog Rescue.

Mrs A Patel, Applicant and Trustee of Rainbow Dog Rescue and Mr Patel, Volunteer, were in attendance at the meeting.

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

It was noted that as the company had recently registered as a charity, the Applicant was unable to supply annual accounts since the current year-end was not until February 2013.

Mrs Patel then explained the background to the charity and in doing so stated that the main focus of the charity was to find a 'forever home' for unloved dogs.

It was noted that all dogs received medical treatment if necessary and once a dog had been re-homed, a number of follow-up visits and calls would be arranged.

Mrs Patel further stated that it was intended in the long-term to obtain a shop in the Dudley area to sell donated products in order to produce revenue to support the charity.

In responding to a question by a member in regard to the number of volunteers, Mrs Patel responded by stating that there were four volunteers who fostered the dogs until they were re-homed, and that further information on how to apply to be a volunteer was available on the website.

Clarification was sought with regard to the requirement for a licence to collect donated items from members of the public via e-mail or telephone, the Licensing Officer responded by stating that a licence for donated items was not required.

In responding to a question by the Legal Advisor, Mrs Patel informed the Sub-Committee that Rainbow Dog Rescue was a local charity only.

Following a brief discussion it was

RESOLVED

That, following careful consideration of the application for the grant of a House to House Collections Licence in respect of Rainbow Dog Rescue be deferred for consideration at a future meeting of the Sub-Committee pending submission of the financial accounts.

30

APPLICATION FOR REVIEW OF PREMISES LICENCE – KAL AND BROTHERS NEWS, 35 CHURCH STREET, PENSNETT, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Kal and Brothers News, 35 Church Street, Pensnett, Brierley Hill.

Mr N Hussain, Premises Licence Holder was in attendance together with his Solicitor, Mr A Ubi.

Also in attendance were Ms D McNulty, Dudley Primary Care Trust (PCT), Mr M Chambers, Trading Standards Manager, Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Enforcement Officer, all from the Directorate of the Urban Environment, PC M Tallis and PC A Taylor from West Midlands Police.

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

The Legal Advisor informed the Sub-Committee that since the writing of the report, further information had been received but as it was not relevant to the review he would be advising the Sub-Committee not to consider the additional information. All parties agreed to this proposal.

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

It was noted that in the opinion of Ms Little, she considered that the sale of alcohol to underage young people to be very serious and supported the recommendation to revoke or suspend the premises licence.

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

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

Mr King informed the Sub-Committee that on 18th May 2012, a fifteen year old child test purchaser had been sold alcohol from the premises contrary to section 146(1) of the Licensing Act 2003 and in direct contravention to the licensing objectives

It was further noted that on 3rd August, 2012, two underaged females had also been sold alcohol from the premises.

On 24th August, 2011, an officer from Trading Standards carried out a visit to the premises and spoke to a Mr R Khan, who informed that he was the owner of the premises and that the premises was being renovated and due to re-open on 26th August, 2011. The purpose of the visit was to provide advice in relation to preventing underage sales of age restricted products, information in respect of acceptable proof of age and how to check it and the benefits of keeping a refusals register. Mr Khan was provided with an information pack that included an advice booklet, a Challenge 25 poster, a refusals register, a poster about proof of age and a sample Proof of Age Standards Scheme card. He was also informed that test purchasing was carried out at premises that sell age restricted products and the possible consequences for underage sales. It was reported that during the course of this visit, Mr Khan signed a form to confirm that he understood the age restrictions for products including alcohol and to acknowledge receipt of the information pack.

Mr King further stated that on 18th May, 2012, following a complaint received by Trading Standards from a consumer stating that alcohol and cigarettes had been sold to her underaged daughter, Trading Standards together with West Midlands Police, carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On that occasion, a fifteen year old female test purchaser volunteer purchased a 750ml bottle of Jacques Cider with Fruit, 5.5% alcohol by volume. The seller made no attempt to ask the age of the volunteer, and did not ask for identification.

It was noted that Mr King was present in the premises at the same time that the volunteer had purchased the age-restricted items.

Following the sale, and having returned to the premises, it was discovered that the individual who sold the alcohol to the test purchaser had been a Mr A Qayyum, also present was Mr R Khan. When questioned Mr Qayyum stated his date of birth and that he was currently living at the premises.

During the questioning of Mr Qayuum in respect of the sale, he had some difficulty in responding due to his apparent poor English, but did admit selling the alcohol therefore he was issued with a Fixed Penalty Notice. It was noted that the Police Officer could not issue Mr Qayuum with the Fixed Penalty Notice as Mr Qayuum vacated the premises through a side door, and could not be located.

Mr Khan was then questioned by officers', where he challenged the sale and stated that he had not been present to witness the sale, and that he did not believe that the sale had taken place suggesting that the volunteer had stolen the alcohol.

Mr Khan was requested to contact Mr Hussain, Premises Licence Holder, but was unable to do so.

It was noted that there were no CCTV in the premises and no information displayed in relation to age restricted sales which had been previously provided to Mr Khan. Mr Khan also could not produce a Refusals Register.

Mr King further stated that on 3rd August, 2012, a further test purchasing exercise took place to determine compliance with the sale of alcohol to an under aged volunteer. On that occasion, a sixteen year old female test purchaser volunteer purchased a bottle of Mad Frog Vodka Mix drink, 5% alcohol by volume, which was witnessed by a Trading Standards Age Restricted Products Officer.

Following the sale, Trading Standards personnel and a Police Officer, accompanied by a BBC TV film crew, returned to the premises and discovered that the individual who sold the alcohol to the test purchaser had been a Mr A Qayuum, the same individual who had sold alcohol to a test purchase volunteer on 18th May, 2012. Also present was Mr F Khan and Mr M Qayoom who was uncooperative and obstructive, and advised that Mr Hussain, Premises Licence Holder, was not available and could not be contacted.

Mr A Qayuum was then issued with two Fixed Penalty Notices, one of these being for the offence committed on 18th May, 2012.

On 6th August, 2012 Trading Standards visited the premises and served a Voluntary Closure Notice for Persistently Selling Alcohol to Children under section 169A(2) of the Licensing Act 2003, at this time Mr Khan was present at the premises. Mr Khan advised the officers that Mr Hussain had left the premises, however the officers were able to speak with him on the telephone and advised that the closure notice would be left at the premises with a copy sent to his home address.

Following the delivery of the closure notice, officers from Trading Standards visited the premises on 10th August, 2012 to query whether Mr Hussain had received the notice. The officers were advised that Mr Hussain was not at the premises but that he had received the notice and would be 'taking it to trial'.

On 16th August, 2012 Trading Standards visited the premises for a pre-arranged appointment with Mr Hussain, who stated that he would not be accepting the voluntary closure notice.

On Saturday 18th August, 2012 the Police attended the premises following the sale of alcohol to two underage females which resulted in an anti social behaviour incident. It was noted that the females alleged that they were knowingly sold alcohol from the premises by Mr Khan.

A full list of proposed additional conditions which had been suggested by Trading Standings had been circulated to all parties prior to the meeting.

In responding to a question by Mr Ubi in relation to the visit to the premises on 24th August, 2011 and whether any effort was made to contact Mr Hussain, and that the information pack should have only been presented to the Premises Licence Holder, Mr King advised that he would be unable to respond as he was not present at that visit, however the procedure was correctly followed in that the officer had presented the information pack to the person in charge who at that time was Mr Khan.

In responding to a question by the Legal Advisor, Mr King stated that there had been no changes made to the premises between the first sale on 18th May, 2012 and 3rd August, 2012. It was noted that Mr Wintrip had witnessed the sale on 3rd August, 2012 and confirmed that there was no information displayed in respect of no point of sale and that Mr Khan was unable to produce a Refusals Register.

PC Taylor then presented the representations of the West Midlands Police and in doing so informed the Sub-Committee that both of the Fixed Penalty Notices issued to Mr Qayuum had not been paid.

Following agreement by all parties, PC Taylor then proceeded to read out the statements provided by the two underaged females who had been sold alcohol on 18th August, 2012 which resulted in them becoming extremely inebriated.

PC Tallis referred to the incident on 18th August, 2012 and stated that the concerned parents of the underaged females had visited the premises after contacting West Midlands Police and were very distressed. Mr Ubi acknowledged that it was understandable for the parents to be irate.

Mr Ubi then presented the case on behalf of Mr Hussain, and in doing so stated that Mr Hussain was unwell and would not be participating in the meeting, and that the evidence presented would not be challenged. He stated that on both occasions, Mr Hussain was not present at the premises therefore he did not sell the alcohol to children, and that Trading Standards stated that the main cause for the failures was due to the poor management of the premises.

Mr Ubi stated that Mr Hussain had been the Premises Licence Holder since 2005, and that there had been no incidents or complaints prior to May, 2012.

Reference was made to the voluntary closure notice that was served on 6th August, 2012, which Mr Ubi suggested that Mr Hussain should have accepted the notice then the issue may have been resolved beforehand.

Reference was also made to the proposed additional conditions that had been submitted by Trading Standards, where Mr Ubi suggested that by implementing the conditions it would address the concerns expressed by Trading Standards in replacement of revoking the premises licence issued to Mr Hussain.

Mr Ubi then addressed all of the eleven conditions listed and confirmed that Mr Hussain was in agreement with the proposals.

In responding to a question by the Legal Advisor in relation to the number of conditions that were already in place, Mr Ubi confirmed that CCTV had been installed but that it had not been approved by West Midlands Police, and that Mr Hussain had installed a Refusals Register.

It was noted that there were three members of staff at the premises, including Mr Hussain and although no training had been given Mr Ubi assured the Sub-Committee that all employees would be trained.

In responding to a question by the Legal Advisor, Mr Ubi stated that in order for Mr Hussain to implement all conditions, a period of eight to twelve weeks should be sufficient.

In responding to a question by a member, Mr Ubi confirmed that Mr Hussain had not received any training since obtaining his licence and that Mr Hussain would be present at the premises between 08:00 and 23:00 hours.

In responding to a question by a member in relation to the reasons why the management structure had fragmented within a year, Mr Ubi suggested that it might have been due to Mr Hussain's health difficulties.

In responding to a question by a member in relation to employees not complying with the information presented to Mr Khan on 24th August, 2011, Mr Ubi confirmed this was the result of a poor management structure.

Mr King referred to the voluntary closure notice that was served on 6th August, 2012, which Mr Ubi stated that Mr Hussain should have accepted the notice in order to resolve any concerns beforehand. Mr King stated that the notice had no bearing on the review and that it had been issued due to concerns of poor management at the premises and to protect children who were at risk.

It was noted that the percentage of stock that was sold which related to an age restricted product was 66%.

PC Taylor referred to the CCTV which had been installed and stated that he had not been contacted to seek advice and asked the Sub-Committee that if the conditions were imposed then the CCTV must be working, maintained, be available for twenty-eight days and all staff must be trained to use the system.

In summing up, Mr King emphasised his concerns in relation to the poor management of the premises, and stated that the representations made did not reassure him that the premises would change.

In summing up, Mr Ubi confirmed that there was a significant package of concern for children and that the sale of alcohol to children was not permitted. He stated that Mr Hussain was aware and accepted all the conditions submitted by Trading Standards in order to protect children as far as they can be protected.

Following comments from all parties, the Legal Advisor stated that the Sub-Committee would determine the application made on the information submitted and comments made at the meeting by all parties.

In responding to a question by the Legal Advisor, all parties confirmed that they had a fair hearing.

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

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

RESOLVED

Following careful consideration of the information contained within the report and as reported at the meeting, the premises licence in respect of Kal and Brothers News, 35 Church Street, Pensnett, Brierley Hill be revoked.

REASON FOR DECISION

In reviewing this premises licence, the Sub-Committee has carefully listened to the information put before them from Public Health, Trading Standards and the Police.

We have also listened to the information put forward by the premises licence holder through his solicitor.

Having considered everything, we have heard this morning, the Sub-Committee has decided to revoke the premises licence in respect of Kal and Brothers News, 35 Church Street, Pensnett, Brierley Hill for the following reasons :-

- 1) The Prevention of Crime and Disorder
- 2) The Protection of Children from Harm

We, the Sub-Committee feel, there have been three known incidents where alcohol has been sold to minors and that the premises licence holder had done nothing to prevent or discourage these sales.

During the seven years he has held the licence, he has not had any training nor have his staff and there is no evidence of any of the policies that he suggested he puts in place. He has not co-operated or taken on the advice of Trading Standards and we feel it unlikely that the conditions suggested, in conjunction with a suspension would be sufficient to fulfil the licensing objectives.

Therefore we feel we have no choice but to revoke this licence.

The meeting ended at 1.00 pm

CHAIR

TAXIS COMMITTEE

Thursday, 18th October, 2012 at 5.30 p.m.
In Committee Room 3 at the Council House, Dudley

PRESENT:-

Councillor Body (Chair)
Councillors A. Ahmed, Mrs. Ameson, A. Aston, M. Aston, Cowell (from Minute No. 71), Mrs. Simms, K. Turner and Vickers.

Officers:-

Assistant Director (Law and Governance), Licensing Officer and Mrs K Taylor (all Directorate of Corporate Resources)

Also in Attendance

Representatives of the Taxi Drivers Focus Group in respect of agenda item 5 – Late Renewal of Hackney Carriage and Private Hire Driver's Licence, and Mr M Massingham, Licensing Enforcement Officer (Directorate of Corporate Resources) and PC CP, West Midlands Police, in respect of agenda item 8 – Renewal of Private Hire Driver's Licence – Mr TI, and Councillor Wright, Complainant, in respect of agenda item 14 – Review of Hackney Carriage Driver's licence – Mr GH.

64. DECLARATIONS OF INTEREST

There were no declarations of interest from Members, in accordance with the Members' Code of Conduct.

65. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 4th September, 2012, be approved as a correct record and signed.

66. CHANGE IN ORDER OF BUSINESS

RESOLVED

That, in accordance with Council Procedure Rule 13(c), the remaining Agenda Items be considered in the following order:-

7, 8, 5, 7, 9 and 10 - 17

67. EXCLUSION OF THE PUBLIC

RESOLVED

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

<u>Description of Item</u>	<u>Relevant paragraph of Part I of Schedule 12A</u>
Renewal of Private Hire Driver's Licence – Mr TI	1.

68. RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE – MR TI

A report of the Director of Corporate Resources was submitted on the renewal of the private hire driver's licence issued to Mr TI in the light of the information contained in the report submitted.

Mr TI was in attendance at the meeting, together with his solicitor, Mr Schiller and two supporters.

Also in attendance were Mr Massingham, Licensing Enforcement Officer, and PC CP who had been involved with the case.

Mr Schiller made representations on behalf of his client and responded to questions asked by the Committee, with particular reference to the incident on 14th March, 2012, as highlighted in the report submitted.

All parties responded to questions asked by the Committee, and arising from questions asked, concerns were raised in regard to Mr TI's conduct.

Mr TI informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the renewal of the private hire driver's licence issued to Mr TI be refused, in view of the admissions that Mr TI had made in relation to the incident on 14th March, 2012 and for the reason that the Committee do not consider him to be a fit and proper person.

Mr TI was informed of his right to appeal the decision of the

69. LATE RENEWAL OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES

A report of the Director of Corporate Resources was submitted on proposed amendments made to the current policy in relation to the acceptance of late applications, for the renewal of private hire and hackney carriage drivers' licences, from five working days with good reason, to fourteen days with good reason.

Following a brief discussion it was

RESOLVED

That approval be given to the acceptance of late applications, for the renewal of private hire and hackney carriage drivers' licences, from five working days with good reason, to fourteen days with good reason.

70. EXCLUSION OF THE PUBLIC

RESOLVED

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

<u>Description of Item</u>	<u>Relevant paragraph of Part I of Schedule 12A</u>
Revocation of Private Hire and Hackney Carriage Drivers' Licences – Mr KR	1.
Grant of Private Hire Driver's Licence – Mr DLJ	1.
Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr MN	1.
Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr GH	1.

Grant of Hackney Carriage Driver's Licence – Mr AH	1.
Review of Hackney Carriage Driver's Licence – Mr GH	1.
Renewal of Private Hire and Hackney Carriage Drivers' Licences – Mr AH	1.
Review of Hackney Carriage and Private Hire Drivers' Licences – Mr MYS	1.
Grant of Private Hire Driver's Licence – Miss AJO	1.

73. REVOCAION OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR KR

A report of the Director of Corporate Resources was submitted on the revocation of the private hire and hackney carriage drivers' licences issued to Mr KR in the light of the medical information attached as Appendix 1 to the report submitted. Particular reference was made to information in Appendix 1 in respect of guidance which requested suspension from driving for a period of twelve months for the symptoms referred to.

Mr KR was in attendance at the meeting.

RESOLVED

That, given the information contained in the report and appendix to the report, submitted, and as reported at the meeting, the private hire and hackney carriage drivers' licences issued to Mr KR be revoked in view of his medical condition.

74. GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR DLJ

A report of the Director of Corporate Resources was submitted on an application made for the grant of a private hire driver's licence in respect of Mr DLJ.

Mr DLJ was not in attendance at the meeting, and notification of his non-attendance had not been received.

Having decided to hear the matter in the applicant's decision it was

RESOLVED

That the application for the grant of a private hire driver's licence in

respect of Mr DLJ be refused in view Mr DLJ's failure to respond to the Licensing Office and his failure to fulfil all necessary criteria.

75. GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR MN

A report of the Director of Corporate Resources was submitted on an application made for the grant of private hire and hackney carriage drivers' licences in respect of Mr MN.

Mr MN was in attendance together with his solicitor, Mr Schiller and a representative, Mr Nassar.

Mr Schiller made representations on behalf of his client, with particular reference to the allegations made on 22nd May, 2012, as indicated in paragraph 18 in the report submitted.

Arising from consideration of this matter, it was noted that there were issues in respect of the statement and follow-up action that needed to be investigated.

Following a brief discussion it was

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the application made the grant of private hire and hackney carriage drivers' licences in respect of Mr MN be adjourned pending further investigation of the issues raised at the meeting.

(At this juncture, Councillor Mrs Simms withdrew from the meeting)

76. GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR GH

A report of the Director of Corporate Resources was submitted on an application made for the grant of private hire and hackney carriage drivers' licences in respect of Mr GH.

Mr GH was in attendance at the meeting together with his solicitor, Mr Schiller.

Mr Schiller made representations on behalf of his client, and in doing so informed the Committee that Mr GH was awaiting results from a toxicology report to evidence that he was no longer taking illegal substances.

Mr GH responded to questions asked by the Committee and informed them that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr GH be requested to undertake a drugs test by the Council's Doctor and that the grant of the private hire and hackney carriage drivers' licences to Mr GH for a period of three months be approved by officers under delegated powers, provided that the drugs test was satisfactory, and that any future renewals be dealt with by officers under delegated powers, provided that Mr GH had no offences pending at the time of renewal.

77. GRANT OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR AH

A report of the Director of Corporate Resources was submitted on an application made for the grant of a hackney carriage driver's licence in respect of a Mr AH.

Mr AH was in attendance at the meeting together with his solicitor, Mr Schiller.

Mr Schiller made representations on behalf of his client, and Mr AH responded to questions asked by the Committee.

Mr AH also reported that there were no matters pending that needed to be brought to the attention of the Committee.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr AH be requested to undertake a drugs test by the Council's Doctor and that the grant of a hackney carriage drivers licence to Mr AH for a period of three months be approved by officers under delegated powers, provided that the drugs test was satisfactory, and that any future renewals be dealt with by officers under delegated powers, provided that Mr AH had no offences pending at the time of renewal.

78. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR GH

A report of the Director of Corporate Resources was submitted on a review of the hackney carriage driver's licence issued to Mr GH in the light of a complaint received.

Mr GH, together with his solicitor, Mr Schiller, and Councillor Wright, Complainant, were in attendance at the meeting.

Mr Schiller made representations on behalf of his client.

In responding to a question from the Chair, Mr GH confirmed that he was content with the statement presented by his solicitor.

Councillor Wright then made representations disputing the content of the statement made by Mr GH.

All parties responded to questions asked by the Committee, and arising from questions asked, it was confirmed by Mr GH that he accepted that he had lost concentration whilst approaching the zebra crossing.

Mr GH informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr GH receive a strong written warning as to his future conduct.

79. RENEWAL OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR AH

A report of the Director of Corporate Resources was submitted on the renewal of the private hire and hackney carriage drivers' licences issued to Mr AH in the light of the medical information attached as Appendices 1 to 5 to the report submitted. Particular reference was made to information in Appendix 5 which stated that the medical practitioner involved considered that Mr AH was physically fit to drive a hackney carriage/private hire vehicle and that his medical condition should be reviewed in one years' time.

Mr AH was in attendance at the meeting together with a supporter.

During the presentation of the report, the Licensing Officer informed the Committee that Mr AH would be required to undertake an exercise tolerance test in December 2012.

RESOLVED

That, following consideration of the information contained in the report submitted, and as reported at the meeting, approval be given to the renewal of the private hire and hackney carriage drivers' licences issued to Mr AH for a period of twelve months, and that Mr AH undertake an exercise tolerance test in December 2012, and a medical examination by the Council's Doctor in one year's time.

80. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES – MR MYS

A report of the Director of Corporate Resources was submitted on a review of the hackney carriage and private hire drivers' licences issued to Mr MYS in the light of the offence committed as indicated in paragraph 19 of the report submitted.

Mr MYS was in attendance at the meeting together with a supporter, who responded to questions asked by the Committee on Mr MYS's behalf in respect of the circumstances surrounding the offence committed.

Mr MYS informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following consideration of the information contained in the report submitted, Mr MYS receive a strong written warning as to his future conduct.

81. GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MISS AJO

A report of the Director of Corporate Resources was submitted on an application made for the grant of a private hire driver's licence in respect of a Miss AJO.

Miss AJO was in attendance at the meeting together with a supporter and informed the Committee that there were no matters pending that they needed to be made aware of.

RESOLVED

That, approval be given to the grant of a private hire driver's licence to Miss AJO for a period of twelve months.

The meeting ended at 8.15 p.m.

CHAIR

SHADOW DUDLEY HEALTH AND WELLBEING BOARD

Monday, 1st October, 2012 at 3 p.m.
In Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Islam (Chair)

Councillor Miller

Director of Adult, Community and Housing Services, Assistant Director Planning and Environmental Health (Directorate of the Urban Environment), Assistant Director Children and Families (Directorate of Children's Services),

Dr N Plant – Dudley Clinical Commissioning Group, Director of Public Health, Mr J Evans-Black Country Cluster PCT, Mr A Gray – Dudley CVS CEO, Mr D Hodson – Director of Dudley Community Partnership, Assistant Director, Performance and Partnership (Directorate of Children's Services), Assistant Director, Health Reform Programme Lead (Directorate of Adult, Community and Housing Services), Mr N Bucktin (Senior Management Lead – Dudley Clinical Commissioning Group) and Mr J Jablonski (Directorate of Corporate Resources).

Also in attendance

Mr John Edwards, Chair The Dudley Group National Health Service Foundation Trust (for Agenda Item No 9)

Ms Ros Partridge, Head of Adult and Community Learning (Directorate of Adult, Community and Housing Services) (for Agenda Item No 11)

together with three members of the public

11 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Crumpton and Waltho, Jane Porter, Angela Hill, Jill Cooper, Dr Hegarty and Matt Hartland.

12 **APPOINTMENT OF SUBSTITUE MEMBER**

It was reported that Jason Evans had been appointed as a substitute member for Les Williams for this meeting of the Committee only.

13 **DECLARATIONS OF INTEREST**

Mr A Gray – Dudley CVS CEO declared a non pecuniary interest in Agenda Item No 7 – Local Health Watch Development in Dudley – as his organisation had submitted a pre-qualifying questionnaire as part of the Health Watch procurement process.

14 MINUTES

Mr Evans reported briefly on the current position regarding the National Health Service Commissioning Board and commented that a note on this would be circulated to Board Members following the meeting. It was also reported that further consideration had been given to the holding of a seminar for all Elected Members on the work of the Dudley Clinical Commissioning Group and that once details had been finalised a seminar would be arranged.

RESOLVED

That, subject to the deletion of the word 'Mr' in the last line of the attendances at the last meeting and the substitution of the word 'Mrs' therefor, the minutes of the meeting of the Board held on 23rd July, 2012 be approved as a correct record and signed.

15 DRAFT JOINT HEALTH AND WELLBEING STRATEGY

A joint report of officers was submitted on the continuing development of a Joint Health and Wellbeing Strategy for Dudley. Attached as an Appendix to the report was the second draft of the Strategy for further development.

In his presentation of the content of the report, and Appendix to the report, submitted the Assistant Director, Health Reform Programme Lead informed the Board that there had been initial feedback to the second draft indicating that a simpler and clearer use of language was required together with comments on the content and actions to be taken including a simpler presentation of the "life-course" approach. It was also noted that further work was being undertaken to widen the cohort of people with whom the Board have engaged through as indicated in paragraph 6 of the report submitted.

As part of the continuing development of the Strategy it was noted that a further development session for Board Members would be held on 6th December, 2012.

RESOLVED

- (1) That the information contained in the report, and Appendix to the report, submitted on the continuing development of a draft Joint Health and Wellbeing Strategy for Dudley, be noted, together with the comments made at the meeting, in particular relating to further Engagement activity, with a view to the provision of a final Strategy for submission to the next meeting of the Board to be held on 21st January 2013.
 - (2) That an Equality Impact assessment be undertaken to take account of the revised timetable for the Strategy.
-

16 TRANSITION OF PUBLIC HEALTH FUNCTIONS - UPDATE

A report of the Director of Public Health was submitted updating the Board on the progress of the transition of Public Health functions to the Council.

In her presentation of the report the Director of Public Health commented that arrangements were well in hand for the transition of Public Health functions to the Council and also commented in particular on the position regarding Public Health England a new organisation with which the Council will be developing a relationship.

RESOLVED

That the information contained in the report submitted, on the strategy and progress to date for the transition of Public Health responsibilities to the Council, be noted.

17 LOCAL HEALTH WATCH DEVELOPMENT IN DUDLEY

A joint report of Officers was submitted on developments to establish Healthwatch Dudley and to advise on key national matters affecting the delivery of Local Health watch.

RESOLVED

That the information contained in the report submitted, on the current position regarding developments to establish Healthwatch Dudley and to advise on key national matters affecting the delivery of Local Healthwatch, be noted, that further updates on the development of Healthwatch Dudley be submitted to future meetings of the Board, as required, and that the approach to the establishment of a new successor service to the Independent Complaints and Advocacy Service in Dudley relating to a more localised model for Dudley be endorsed and noted.

18 THE ANNUAL REPORT OF DUDLEY SAFEGUARDING CHILDREN BOARD 2011/2012

A report of the Director of Children's Services was submitted on the Annual Report of the Dudley Safeguarding Children Board for 2011/12. A copy of the executive summary and of the full annual report were attached as Appendices to the report submitted.

In his presentation of the content of the report, and Appendices to the report, submitted the Assistant Director, Performance and Partnership reported that the Annual Report had been submitted to a number of other bodies including the relevant Scrutiny Committee and the Children and Young Persons Partnership for consideration.

He also commented that the report was submitted to the Board so that they could be reassured about the quality of the provision provided and in this connection reference was made to the outcome of an announced inspection of Safeguarding and Look After Children's Services that had taken place in Dudley between 28th November and 9th December, 2011 in which the findings of at least adequate provision had been made.

Of the total of thirteen recommendations to be actioned within three or six months the Dudley Safeguarding Children Board will take a proactive approach in scrutinising and/or delivering improvements in respect of a number of these recommendations.

Arising from the presentation made Members made a number of comments with particular reference to the education vacancy on the Dudley Safeguarding Children Board and issues regarding attendance of school representatives which it was reported were being addressed and in connection with child death reviews for which appropriate actions had been taken and learning points recognised.

RESOLVED

That the information contained in the report, and Appendices to the report, submitted on the annual report of Dudley Safeguarding Children Board 2011/2012, be noted.

19 PRESENTATION ON THE DUDLEY GROUP NATIONAL HEALTH SERVICE FOUNDATION TRUST

The Chair welcomed Mr. John Edwards, Chair of the Dudley Group National Health Service Foundation Trust to the meeting. A copy of the presentation on the Foundation Trust had previously been circulated to Board Members and Mr. Edwards commented on the presentation as displayed visually at the meeting.

In making his initial comments, he referred in particular to the fact that he was an independent Chairman and non-executive director of the Board of the Dudley Group and that the Foundation Trust was independently regulated by Monitor and had a Council of Governors representing a membership of over 16,500 people. Therefore a key issue for a foundation trust, in addition to more financial freedoms, was the greater local accountability that membership and the Council of Governors afforded.

Mr. Edwards further commented that he regarded the Dudley Group as the primary Secondary Care Provider in the Borough and with the local providers and the Local Authority were essentially the provider for the Local Health Economy. He further considered that there were many positive results being gained from the primary and secondary provision made and that there was not enough recognition made of the good results and high performance gained in the Local Health Economy. Therefore, whilst things could be done better, not enough was made of the achievements that were being made. He also commented that currently the Dudley Group was the only Foundation Trust in the Black Country.

Following his initial comments Mr. Edwards commented on the content of the presentation, a copy of which was also available on the Council's Committee Management Information System.

Arising from the presentation given, a number of comments were made relating in particular to perceived difficulties with the information technology systems under-pinning the work of the Trust and in respect of health inequalities/improvement. In response to these, Mr. Edwards reported on recent developments regarding the IT systems used and to the appointment of a new Director who, within a short space of time, had made significant changes. Therefore, over the next twelve months it was expected that there would be significant changes in this regard. Regarding health inequality and improvement it was recognised that there were marked differences within the Borough and that this did present certain challenges so that it was vital that every contact did count. It was further commented that there was a significant difference made in respect of health inequality and improvement if a person became economically active and had a sustainable level of income, a point that was recognised.

Regarding the Dudley Groups Membership of over 16,500 people, it was suggested that further discussions could be had with the Dudley Group so that the Board's efforts to broaden out engagement could be developed by making contact with these persons. In response, it was indicated that the Dudley and Walsall Mental Health Trust were also in the process of trying to achieve foundation status and would also need to talk to some of the people concerned. Therefore, the Foundation Trust would welcome an open relationship with bodies seeking to engage with a broader constituency having broadly similar agendas.

At the end of questions and comments made, Mr. Edwards was thanked by the Chair for the informative and comprehensive presentation given on the Dudley Group National Health Service Foundation Trust.

RESOLVED

That the information contained in the presentation, and as reported at the meeting, on the work of the Dudley Group National Health Service Foundation Trust, be noted.

A joint report of officers was submitted on a first draft of a Protocol for Conflict Resolution for the Board.

RESOLVED

That the information contained in the report submitted, on a first draft of a Protocol for conflict resolution for the Health and Well-Being Board, be noted and that the content of the report be used to finalise a Protocol for Conflict Resolution to be included in an up to date version of the Board's Terms of Reference.

21 ADULT LEARNING, HEALTH AND WELL-BEING - GOOD PRACTICE ITEM

A copy of a presentation on Adult Learning, Health and Well Being had previously been circulated to Members of the Board and a copy of the presentation was available on the Council's Committee Management Information System.

Ros Partridge, Head of Adult and Community Learning, Directorate of Adult, Community and Housing Services, commented on the presentation submitted.

In commenting on the content of the presentation, Ms. Partridge emphasised the link between Adult and Family Learning and Health and Well Being the evidence for which was outlined in the presentation document. The joint working that was also being undertaken on Adult Health, Well-being and Targeted Learning was also referred to and, as indicated in the presentation, was undertaken with many of the organisations represented on the Board.

On the conclusion of the presentation, it was reported, in particular, that there was powerful evidence to link adult learning with health and well being and that there was a broad spectrum of activity being undertaken, contributing to well being by all the parties concerned.

Ms. Partridge was thanked for the excellent presentation given.

The meeting ended at 4.46 p.m.

CHAIR

MEETING OF THE CABINET

Wednesday, 31st October, 2012 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Sparks (Leader of the Council) (Chair)
Councillor Ali (Deputy Leader)
Councillors K. Ahmed, Crumpton, Foster, Islam, Lowe, Partridge,
Waltho and Wood

together with the following Minority Group Members appointed to
attend meetings of the Cabinet

Councillors Blood, Harley, L. Jones, Mrs. Shakespeare, Vickers, Mrs.
Walker and Wright (Conservative Group)

OFFICERS:-

Chief Executive, Director of Corporate Resources, Director of
Children's Services, Director of the Urban Environment, Director of
Adult, Community and Housing Services, Director of Public Health,
Treasurer and Mr. J. Jablonski (Directorate of Corporate Resources),
together with other officers.

31 DECLARATIONS OF INTEREST

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

32 MINUTES

RESOLVED

That, subject to the inclusion of comments made by
Councillor Mrs Shakespeare to the effect that information
received at the Environment Scrutiny Committee, in relation
to the report referred to in the second paragraph of the
preamble to minute 29 was different to that given at the
meeting of Cabinet, the minutes of the meeting of the Cabinet
held on 12th September, 2012, be approved as a correct
record and signed.

REVENUE BUDGET STRATEGY 2013/14

A joint report of the Chief Executive and Treasurer was submitted on the Revenue Budget Strategy for 2013/14 and Medium Term Financial Strategy 2014/15-2015/16 and on spending and funding options for consultation.

Arising from the presentation of the report submitted, a number of questions were asked and responded to. Questions raised for but not responded to by the Cabinet Member for Environment and Culture would be the subject of a written response.

RESOLVED

- (1) That the Council be recommended that 2012/13 budgets be amended as set out in paragraphs 6 and 7 of the report submitted.
- (2) That the preliminary strategy outlined in the report submitted be approved as a basis for further consultation.
- (3) That the various issues and risk which will need to be taken into account in finalising Budget proposals for 2013/14, and the Medium Term Financial Strategy, be noted.

(this was a Key Decision with the Council and Cabinet being named as Decision Takers).

STAFFING ISSUES - BUDGET SAVINGS

A report of the Director of Corporate Resources was submitted updating Cabinet with final figures relating to staff changes as a result of the budget savings process for year two (2012/13) and with learning that had taken place and outcomes from the learning put into place for the year two budget saving process together with proposals in relation to voluntary redundancies.

RESOLVED

- (1) That the information contained in the report submitted be noted.
- (2) That the outline timetable for the next round of employee-related budget savings as set out in an appendix to the report submitted, be agreed.

- (3) That expressions of interest be sought by the Council in a voluntary redundancy process for 2013/14 savings to further support a reduction in compulsory redundancies and that the category of posts excluded at this stage, as listed in a further appendix to the report submitted, be noted.
- (4) That the Director of Corporate Resources, in consultation with the Cabinet Member for HR, Law and Governance, be authorised to determine all applications for voluntary redundancy, including those where there are pension implications, up to a maximum of £3 million for direct redundancy costs and £1.5 million for the capitalised cost of pension strain.
- (5) That the Council be recommended to endorse the recommendations on staffing issues associated with the budget strategy for 2013/14, as appropriate.

35

LOCALISED COUNCIL-TAX REDUCTION SCHEME 2013/14

A report of the Director of Corporate Resources was submitted, updating Cabinet on the Coalition Government's proposals for the new localised council tax reduction scheme from April, 2013 (previously referred to as council tax support scheme); on the results of the consultation exercise approved by Cabinet at a meeting held on 20th June, 2012, and, following consideration of the consultation results and equality impact assessment, on the preferred option for the council's 2013/14 council tax reduction scheme.

RESOLVED

- (1) That, after consideration of the outcomes of the consultation and the equality impact assessment, as set out in the Appendices to the report submitted, the Council's preferred option for the 2013/14 localised council tax reduction scheme be to match the eligibility rules and award levels of the existing council tax benefit scheme.
- (2) That the timescale issues relating to the passage of the legislation, the scheme approval deadline of 31st January, 2013, and the Cabinet and Full Council Meeting Schedule, be noted.

CAPITAL PROGRAMME MONITORING

A joint report of the Chief Executive and Treasurer was submitted on progress with the implementation of the Capital Programme and on proposed amendments to the Capital Programme.

RESOLVED

- (1) That the Council be recommended:-
 - (a) That current progress with the 2012/13 Capital Programme, as set out in Appendix A of the report submitted to the meeting, be noted and that budgets be amended to reflect the reported variances.
 - (b) That the Capital Programme be amended in respect of the revised funding of the Priory Park Project, as set out in paragraph 5 of the report submitted.
 - (c) That expenditure to be funded from the Short Break grant be included in the Capital Programme as set out in paragraph 6 of the report submitted.

(this was a Key Decision with the Council and the Cabinet being named as Decision Takers).

GAMBLING POLICY

A report of the Director of Corporate Resources was submitted on the recommendation of the Licensing and Safety Committee concerning the responses to the consultation on the Council's Gambling Policy and to recommend approval of the policy to full Council.

Arising from a query as to the name of one of the consultees referred to in paragraph 6 of the report submitted, the Cabinet Member for HR, Law and Governance undertook to have the matter investigated and for a response to be sent to Councillor Jones.

RESOLVED

That the Council be recommended to approve the Gambling Policy as set out in Appendix 1 to the report submitted.

(this was a Key Decision with the Council and Cabinet being named as Decision Takers).

ANNUAL REVIEW OF EQUALITY 2012

A report of the Director of Corporate Resources was submitted on the annual review of equality and diversity for 2012, a full copy of which was available in the Members' Room and electronically on the Council's Committee Management Information System.

RESOLVED

That approval be given to the annual review of equality 2012.

PUBLICATION OF THE HALESOWEN AREA ACTION PLAN

A report of the Director of the Urban Environment was submitted on progress on the Halesowen Area Action Plan and to seek approval for the Plan to be published for a final six week period of public consultation and subsequently submitted to the Secretary of State for examination.

Arising from a query raised by Councillor Wright, it was agreed that he be included in the process referred to in resolution (3) below.

RESOLVED

- (1) That approval be given to the Publication of the Halesowen Area Action Plan for a statutory period of public consultation.
- (2) That the Council be recommended that following public consultation, the Halesowen Area Action Plan be submitted to the Secretary of State so that it may be subjected to a Public Examination.
- (3) That the Director of the Urban Environment ,in consultation with the Leader of the Council; Cabinet Member for Regeneration and the Opposition Spokesperson for Regeneration, be authorised to agree any minor recommended changes to the document prior to submission to the Secretary of State following consultation which concludes on 21st December, 2012, and that any such changes be notified to all Members of the Council.

(this was a Key Decision with the Council and Cabinet being named as Decision Takers).

SAFER ROUTES TO SCHOOL - 20 MPH SPEED LIMIT POLICY

A report of the Director of the Urban Environment was submitted on the outcome of a “stage 1” prioritisation process, identifying the top 10% of school entry points for further consideration for the potential introduction of 20 mph speed limits (zones) or other road safety treatments as appropriate.

Arising from consideration of the report, and Appendices to the report, submitted, the Cabinet Member for Transportation reported that the information in Appendix 2 to the report would be shared with individual Ward Members and the schools concerned; that all schools would be looked at and that if there were concerns representations could be made; that no school where a real need could be demonstrated would be ignored and that the type of 20mph zone introduced would be dependant on the needs of the particular locality.

RESOLVED

- (1) That support be given to the “stage 1” prioritisation process as indicated in Appendix 1 to the report submitted to identify the top 10% of school entry points to be considered in greater detail.
- (2) That a programme of schemes be identified from within the top 10% of schemes, as indicated in Appendix 2 to the report submitted, and agreed with the Cabinet Member for transportation.
- (3) That the Ward Member consultation referred to at the meeting in respect of the introduction of 20mph speed limits be endorsed.

WELLBEING AT WORK: DEVELOPING THE DUDLEY APPROACH

A report of the Director of Public Health was submitted on proposals as to how the Council would create its own healthy workplace and then work with local employers to do the same, together with details of a structured programme for workplace health to be piloted in selected areas and then rolled out across other Council areas, schools and other employers, incorporating the learning from the pilot sites.

RESOLVED

- (1) That a Workplace Wellbeing programme, as set out in the report submitted, be established.

- (2) That the Council sign up to achieve the Workplace Well-being Charter.
- (3) That the recommended pilot sites, identified in paragraph 10 of the report submitted, be agreed, subject to implementation discussions.
- (4) That approval be given to the establishment of Healthy Workplace Champions and that HR staff involved in supporting sickness absence management be trained as healthy workplace champions.
- (5) That the proposed pilot scorecard metrics be endorsed.
- (6) That future work with schools, partner agencies and local business to encourage participation in Workplace Wellbeing, be endorsed.
- (7) That an Equality Impact Assessment report be submitted to a future meeting of Cabinet as part of the pilot scheme review.

42

ISSUES ARISING FROM SCRUTINY COMMITTEE

No issues were reported under this item.

43

EXCLUSION OF THE PUBLIC

RESOLVED

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

Description of Item	Relevant paragraph of Part 1 of Schedule 12A
Directorate of the Urban Environment (DUE) Restructuring Proposals	1

**DIRECTORATE OF THE URBAN ENVIRONMENT (DUE)
RESTRUCTURING PROPOSALS**

A report of the Director of the Urban Environment was submitted on proposals for restructuring within his directorate.

Arising from a query, the Cabinet Member for Integrated Children's Services undertook to pursue the point made about a possible transfer of directorate responsibility in respect of the property referred to at the meeting.

RESOLVED

That approval be given to the proposals outlined in paragraphs 5 to 11 of the report submitted regarding a restructuring within the Directorate of the Urban Environment.

The meeting ended at 7.45 p.m.

LEADER OF THE COUNCIL

DELEGATED DECISION SUMMARIES

(Copies of Decision Sheets on the new decisions database can be accessed by logging on to

<http://online.dudley.gov.uk/dudco/decision/decisions.asp>)

1.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr. Ali

Authorised By Cllr. Ali, Cabinet Member for Regeneration
Cllr Peter Lowe, Cabinet Member for Finance

In Consultation With John Millar, Director of the Urban Environment
Philip Tart, Director of Corporate Resources

Ward(s) Affected Castle & Priory

Date of Decision 12 October 2012

Reference DUE/36/2012

Castle Gate Partnership arrangement

That the Council take a share in the Castle Gate Management Company and enter into any agreements necessary to facilitate the transfer.

2.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr. Ali

Authorised By Cllr. Ali, Cabinet Member for Regeneration

In Consultation With John Millar, Director of the Urban Environment

Ward(s) Affected Amblecote

Date of Decision 08 November 2012

Reference DUE/40/2012

Article 4 Direction – Platts Glassworks

1.1 Following the resolution of the Development Control Committee on 29th October 2012 to request that the Cabinet Member for Economic Regeneration approves

- The making of a Direction under Article 4(1) of the Town and County Planning (General Permitted Development) Order 1995 (as amended) ,so that the demolition of the former Platts Glassworks known as Asset Storage Ltd., Platts Road, Amblecote, Stourbridge, West Midlands DY8 4YR (HBSMR 4835; identified in Figure 1 appended to this decision) is no longer permitted development but requires the benefit of planning permission. The Direction to be served with immediate effect in accordance with Article 6;
- To serve notice of the Direction in accordance with Article 5;
- To submit a copy of the Direction to the Secretary of State in accordance with Article 6(2).

3.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Tim Crumpton

Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services

In Consultation With Jane Porter, Director of Children's Services

Ward(s) Affected All

Date of Decision 01 October 2012

Reference DCS/32/2012

Youth Service - subscriptions

1. To approve a decision that the standard subscription to attend a youth work session remains at 50p for 2012-14.

2. That the Youth Service continues to apply discretion when determining the cost of weekly and additional activities and workshops in order to respond to local need and concerns relating to child poverty.

4.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Tim Crumpton

Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services

In Consultation With Jane Porter, Director of Children's Services

Ward(s) Affected All

Date of Decision 01 October 2012

Reference DCS/33/2012

Charging for Early Years Foundation Stage

Charging costs for participation in training activities and for additional in school advisory support outside free entitlement

5.

Delegated Decision Summary

Exempt
Yes No

Decision Made By Cllr Tim Crumpton

Authorised By Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services

In Consultation With Jane Porter, Director of Children's Services

Ward(s) Affected All

Date of Decision 15 October 2012

Reference DCS/34/2012

POST 16 TRANSPORT POLICY FOR 2012/13

To publish an updated home to School/College Post 16 Transport Policy

6.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Tim Crumpton**Authorised By** Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services**In Consultation With** Jane Porter, Director of Children's Services**Ward(s) Affected** All**Date of Decision** 29 October 2012**Reference** DCS/35/2012**Dudley Schools Forum School Member Appointments**

In respect of Dudley Schools Forum, to approve the appointment of three Schools' Members to represent the Halesowen Primary School Governors, the Stourbridge Primary School Governors and the Pupil Referral Units from 1 October 2012.

7.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Tim Crumpton**Authorised By** Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services**In Consultation With** Jane Porter, Director of Children's Services**Ward(s) Affected** All**Date of Decision** 30 October 2012**Reference** DCS/36/2012**Dudley Schools Forum School Member Appointments**

In respect of Dudley Schools Forum, to approve the appointment of four Schools' Members and one non Schools member from 1 November 2012.

8.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Tim Crumpton**Authorised By** Cllr Tim Crumpton, Cabinet Member for Integrated Children's Services**In Consultation With** Jane Porter, Director of Children's Services**Ward(s) Affected** All**Date of Decision** 02 November 2012**Reference** DCS/37/2012**TO AUTHORISE THE FUNDING OF AN EXTENSION OF CONTRACT FOR AN ADMINISTRATIVE POST WITHIN THE CHILDREN'S SERVICES TRAVEL AND TRANSPORT TEAM**

To fund an Administrative Assistant post from the Post 16 transport budget 'Home to College Transport' for a further 1 year from December 31st 2012.

To review the post in September 2013 and report to DSLT on the savings made on the transport budget by the extension of the post.

9.**Delegated Decision Summary****Exempt**
Yes No
 Decision Made By Cllr Foster**Authorised By** Cllr Foster, Cabinet Member Transportation and Community Safety**In Consultation With** John Millar, Director of the Urban Environment**Ward(s) Affected** St James's**Date of Decision** 05 October 2012**Reference** DUE/32/2012**Revocation of one way traffic system in Parkway Road and the introduction of a prohibited right turn into Himley Road from Parkway Road, Dudley**

That the Borough Council of Dudley (Parkway Road, Dudley) (Revocation of One Way) and (Prohibition of Right Turn) Order 2012 be implemented.

10.**Delegated Decision Summary****Exempt**
Yes No
 Decision Made By Cllr Foster**Authorised By** Cllr Foster, Cabinet Member Transportation and Community Safety**In Consultation With** John Millar, Director of the Urban Environment**Ward(s) Affected** Wordsley**Date of Decision** 18 October 2012**Reference** DUE/37/2012**Allocation of new road name off Brierley Hill Road, Wordsley**

1.1 That the road identified on plan no. T&T/D/RN/185 is to be named Weir Court.

11.**Delegated Decision Summary****Exempt**
Yes No
 Decision Made By Cllr Foster**Authorised By** Cllr Foster, Cabinet Member Transportation and Community Safety**In Consultation With** John Millar, Director of the Urban Environment**Ward(s) Affected** Kingswinford North &
WallHeath
Kingswinford South**Date of Decision** 07 November 2012**Reference** DUE/38/2012**Objection to Wordsley and Kingswinford Traffic Regulation Orders**

1.1 That the daytime yellow lines proposals for Water Street, Larch Road, Ash Crescent and Standhills Road, Kingswinford, (First, Second and Third Plans) be not proceeded with.

1.2 That the reduced proposals for double yellow lines for Broad Street, Kingswinford, (Fourth Plan) be introduced.

1.3 That the objections to the proposed double yellow lines in Highcroft Avenue, Kingswinford, (Fifth Plan) be overruled, and the scheme be introduced.

1.4 That the 7.5 tonnes weight restriction proposals for Swindon Road, Kingswinford, (Sixth Plan) be not proceeded with.

12.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Foster**Authorised By** Cllr Foster, Cabinet Member Transportation and Community Safety**In Consultation With** John Millar, Director of the Urban Environment**Ward(s) Affected** Netherton, Woodside &
St.Andr**Date of Decision** 07 November 2012**Reference** DUE/39/2012**Baptist End Road, Netherton – Community Safety Assistance Measures**

1.1 That the proposed Community Safety Assistance Measures in Baptist End Road, Netherton, be implemented as advertised.

13.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 05 October 2012**Reference** HOPSS/68/2012**Create & recruit to a new post in the Special Educational Needs Team - Principal Case Officer**

To approve the creation & recruitment of a new post of Principal case Officer within the Special Educational Needs Assessment Team.

14.**Delegated Decision Summary****Exempt**

Yes No

 Decision Made By Cllr Gaye Partridge**Authorised By** Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and**In Consultation With** Teresa Reilly, Assistant Director**Ward(s) Affected** All**Date of Decision** 05 October 2012**Reference** HOPSS/70/2012**Creation and recruitment of a new post of Cashier at Foxyards primary school.**

To create and recruit a new post of cashier at Foxyards primary school. 8 hours per week, Monday and Friday, 11.15am – 1pm, Tuesday, Wednesday and Thursday, 11.30am – 1pm. Term time only.

15.**Delegated Decision Summary****Exempt**

Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 05 October 2012 **Reference** HOPSS/71/2012

Conversion of Senior OT vacancy to Temporary Team Assistant (therapy)

To redirect funding of Senior OT to a temporary Team Assistant post (12 months) within the Living Independently Team.

16.**Delegated Decision Summary****Exempt**

Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 05 October 2012 **Reference** HOPSS/69/2012

Establishment of a Housing Anti-Social Behaviour (ASB) Team

To recruit to the following posts to supplement existing resources in the establishment of an ASB Team. The posts being:

Team Manager (1)
ASB Officers (4)
Tenancy Fraud Officer (1)
Housing Management Assistant (1)
Housing Solicitors (2)
Legal Housing Assistants (1.5)

Total posts 10.5 FTE

17.**Delegated Decision Summary****Exempt**

Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 05 October 2012 **Reference** HOPSS/72/2012

To appoint two Social Workers within the Children's Disability Team

To agree to the appointment of two social workers for the Children Disability Team. One to focus on children from the ethnic minorities population particularly from the Asian Muslim communities and a second post to be established on a one year fixed term contract to respond to current need.

18.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 22 October 2012 **Reference** HOPSS/74/2012

Creation of new Senior Network Officer post in ICT Services.

To approve the creation of a new Senior Network Officer post in ICT Services

19.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 22 October 2012 **Reference** HOPSS/73/2012

The re-designation of existing Housing staff posts into a new role and function

To re-designate various existing Housing staff vacancies into the new role and function of Property Liaison Officers. To assimilate existing post holders of Dudley at Home Administrator to Property Liaison Officer.

20.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 05 November 2012 **Reference** HOPSS/75/2012

To create the post of Quality Assurance Officer within the Safeguarding & Review Team, Directorate of Children's Services.

To create the post of Quality Assurance Officer within the Safeguarding & Review Team, Directorate of Children's Services. The post is for 30 hrs per week on a 12 month fixed term period from the date of appointment.

To approve the creation of the post of Quality Assurance Officer within the Safeguarding & Review team in order to undertake and co-ordinate quality assurance and audit activity in relation to children's services and their families on behalf of Dudley Safeguarding Children Board (DSCB).

21.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 09 November 2012 **Reference** HOPSS/77/2012

Adoption of a Teacher Appraisal Policy for teachers employed directly by the Council

To authorise adoption of the attached Teacher Appraisal Policy for teachers employed directly by the council (Centrally Employed Teachers)

22.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Gaye Partridge
Authorised By Cllr Gaye Partridge, Cabinet Member for Human Resources, Law and
In Consultation With Teresa Reilly, Assistant Director
Ward(s) Affected All
Date of Decision 09 November 2012 **Reference** HOPSS/76/2012

Additional responsibilities for post DUREDEV9

1.1 That the existing Senior Technician's post DUREDEV 9 be deleted and replaced by a new post DUREDEV 9R ring fenced to the existing postholder.

23.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Philip Tart
Authorised By Philip Tart, Director of Corporate Resources
In Consultation With Cllr Peter Lowe, Cabinet Member for Finance
Ward(s) Affected All
Date of Decision 12 October 2012 **Reference** DCR/29/2012

The acceptance of a Tender following a Competitive Tendering Exercise.

That, following a Tender exercise, to award the Contract for the Provision of Self Drive Vehicle Hire on behalf of Dudley MBC. (Contract Management Ref no.1261)

24.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Philip Tart
Authorised By Philip Tart, Director of Corporate Resources
In Consultation With Cllr Peter Lowe, Cabinet Member for Finance
Ward(s) Affected All
Date of Decision 15 October 2012

Reference DCR/30/2012**The acceptance of a Tender following a Competitive Tendering Exercise.**

That, following a Tender exercise, to award the Contract for the Provision of Security Services for the period 19th November 2012 to 31st October 2015 with an option to extend for a further 2 years subject to satisfactory performance and price. (Contract Management Ref no.1264).

25.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Wood
Authorised By Cllr Wood, Cabinet Member for Environment and Culture
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected Castle & Priory
Quarry Bank & Dudley Wood
St James's
Upper Gornal & Woodsetton
Date of Decision 12 October 2012

Reference DUE/33/2012**To approve the submission of 3 playing fields to become Queen Elizabeth 2nd Fields and for officers to submit the relevant applications for funding**

To approve the proposal to nominate 3 Playing Fields as QE2 fields to 'Fields in Trust' and to seek Sport England funding to support pitch drainage improvements for the sites identified. To enter into agreement with Fields in Trust for the designation of QE2 playing fields as nominated by the Council and approved through the process.

26.**Delegated Decision Summary****Exempt**
Yes No

Decision Made By Cllr Wood
Authorised By Cllr Wood, Cabinet Member for Environment and Culture
In Consultation With John Millar, Director of the Urban Environment
Ward(s) Affected All
Date of Decision 12 October 2012

Reference DUE/34/2012**Approval of the Himley Bonfire Budget 2012**

That approval be given to the annual budget and fees and charges for the annual firework display at Himley Hall & Park as detailed in the attached Appendices

27.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Decision Made By Cllr Wood

Authorised By Cllr Wood, Cabinet Member for Environment and Culture

In Consultation With John Millar, Director of the Urban Environment

Ward(s) Affected Castle & Priory

St Thomas's

Date of Decision 12 October 2012

Reference DUE/35/2012

Expenditure of outstanding Liveability Funding

To finalise the allocation of outstanding Liveability funding to appropriate projects.