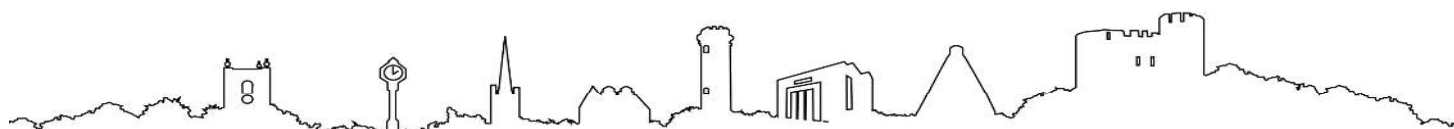


# Minutes and Delegated Decision Summaries

9<sup>th</sup> November, 2022 – 27<sup>th</sup> January, 2023

Public documents for meetings are on the Council's Website by accessing the [Committee Management Information System \(CMIS\)](#)

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## **Minutes of the Cabinet**

**Monday, 14<sup>th</sup> November, 2022 at 6.00 pm  
in Committee Room 2 at the Council House, Dudley**

### **Present:**

#### **Cabinet Members**

Councillor P Harley (Leader)  
Councillor S Clark (Deputy Leader)  
Councillors R Buttery, R Clinton, S Keasey, N Neale, S Phipps and S Saleem.

#### **Opposition Group Members Nominated to attend the Cabinet**

Councillors S Ali, C Barnett, C Bayton, K Casey, J Foster, P Lowe, S Ridley, P Sahota and Q Zada.

#### **Officers**

K O'Keefe (Chief Executive), I Newman (Director of Finance and Legal), H Martin (Director of Regeneration and Enterprise), M Abuaffan (Acting Director of Public Health and Wellbeing), A Vaughan (Interim Director of Public Realm), T Robbins (Head of Procurement), J Reed (Procurement Business Partner), M Clinton (Waste Disposal and Contract Manager) and S Griffiths (Democratic Services Manager).

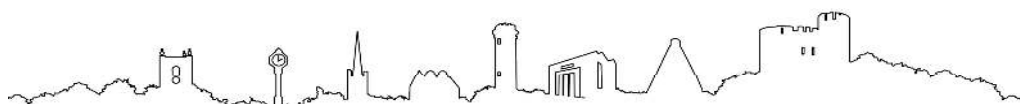
B Heran (Deputy Chief Executive) and M Farooq (Lead for Law and Governance) attended via Microsoft Teams.

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### **54    Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors A Aston, I Bevan and L Taylor-Childs.

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Working as One Council in  
the historic capital of the Black Country



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## 55 **Declarations of Interest**

Councillor Q Zada declared a non-pecuniary interest in Agenda Item No. 4 (Black Country Plan) in view of his portfolio of property investments.

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## 56 **Minutes**

### **Resolved**

That the minutes of the meeting held on 27<sup>th</sup> October, 2022 be approved as a correct record and signed.

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## 57 **Black Country Plan**

A report of the Director of Regeneration and Enterprise was submitted on the Black Country Plan following the resolution of the four Black Country local authorities at the Association of Black Country Authorities (ABCA) on 19<sup>th</sup> October, 2022 to cease the production of a joint local plan.

Members of the Opposition Group raised concerns regarding the content of the report, the potential implications of withdrawing from the production of a joint local plan and the costs involved. The Leader referred to the need to take full account of the outcome of public consultation and the aim to protect green belt sites in the Borough. It was noted that briefings would be arranged with Members of the Opposition Group. Details of the expenditure on the Black Country Plan to date would be provided to the Opposition Spokesperson for Finance and Legal.

### **Resolved**

- (1) That the withdrawal from the preparation of a Joint Local Plan (Black Country Plan) of all four Black Country Authorities, as per the resolution of the Association of Black Country Authorities on 19<sup>th</sup> October 2022, be noted.

- (2) That the commencement of work on both the development of a new Borough Local Plan and the associated Local Development Scheme be approved.
- (3) That the additional costs associated with delivering a Borough Local Plan, currently estimated to be £500,000 for the 3-year period covering financial years 2023/24 to 2025/26 inclusive, be noted and that this be considered as part of the Medium-Term Financial Strategy process.

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58 **Questions to the Leader under Cabinet Procedure Rule 2.5**

No questions were submitted under this agenda item.

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59 **Exclusion of the Public and Press**

**Resolved**

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

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60 **Energy from Waste Contract – Operations and Maintenance Contract Award**

A report of the Deputy Chief Executive was submitted on the interim strategy for the Council's Energy from Waste facility.

**Resolved**

- (1) That the interim strategy to award the Operations and Maintenance contract whilst developing a longer-term strategy for waste and energy be noted.



- (2) That the Operations and Maintenance contract be awarded to the proposed successful tenderer, as set out in the report, with effect from 14th February, 2023 and that the Lead for Law and Governance be authorised to finalise contractual arrangements together with any ancillary contracts necessary for the operation of the Energy from Waste (EFW) facility.
- (3) That the process for entering into a tender to appoint a Power Purchase Agreement partner who can sell the electricity generated by the EFW facility be noted and that a hedging strategy be developed and presented to the Cabinet in December, 2022.
- (4) That the Council be recommended to amend the Capital Programme (2023/24 to 2027/28) to provide for an estimated £4.6m for life cycle and dilapidation costs over a five-year period.
- (5) That the Cabinet decision on 27<sup>th</sup> October, 2022 concerning £2m for fire suppression works, subject to final approval by the Council, be noted.
- (6) That the Interim Director of Public Realm be authorised to appoint technical advisors and consultants, as necessary, to manage existing contracts and support the development of future strategies within the overall budget.
- (7) That the Interim Director of Public Realm be authorised to bring forward proposals for the long-term Energy for Waste strategy, cognisant of the Council's wider objectives, during the 2023/4 financial year.
- (8) That the arrangements for developing a strategy for the use of generated electricity, to support the Council's carbon reduction commitment, be noted.

The meeting ended at 5.50pm

## LEADER OF THE COUNCIL



## **Minutes of the Cabinet**

**Monday, 14<sup>th</sup> December, 2022 at 6.00 pm  
in Committee Room 2 at the Council House, Dudley**

### **Present:**

#### **Cabinet Members**

Councillor P Harley (Leader)  
Councillor S Clark (Deputy Leader)  
Councillors I Bevan, R Clinton, S Keasey, N Neale, S Phipps, S Saleem and  
L Taylor-Childs.

#### **Opposition Group Members Nominated to attend the Cabinet**

Councillors S Ali, A Aston, C Barnett, C Bayton, J Foster, P Sahota and Q Zada.

#### **Officers**

K O'Keefe (Chief Executive), B Heran (Deputy Chief Executive), I Newman (Director of Finance and Legal), H Martin (Director of Regeneration and Enterprise), A Vaughan (Interim Director of Public Realm), S Griffiths (Democratic Services Manager) and H Mills (Senior Democratic Services Officer).

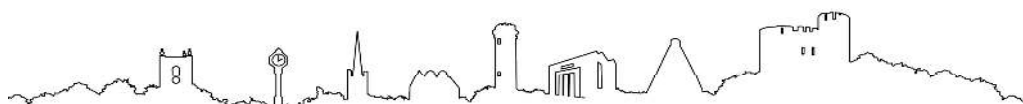
M Abuaffan (Acting Director of Public Health and Wellbeing), M Farooq (Lead for Law and Governance) and K Jones (Director of Housing and Communities) attended via Microsoft Teams.

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### **61    Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors R Buttery, K Casey, P Lowe and S Ridney.

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## 62 **Minutes**

With reference to Minute No. 60 and a request made by Councillor C Bayton at the meeting on 14<sup>th</sup> November, 2022, the Interim Director of Public Realm, undertook to provide a copy of the business case in relation to the Energy from Waste Contract – Operations and Maintenance Contract Award.

### **Resolved**

That the minutes of the meeting held on 14<sup>th</sup> November, 2022 be confirmed as a correct record and signed.

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## 63 **Medium Term Financial Strategy**

The Cabinet considered a joint report of the Chief Executive and Director of Finance and Legal on the latest General Fund revenue position for 2022/23 and provisional Medium Term Financial Strategy (MTFS) to 2025/26. It was noted that the proposals in the report would be subject to public consultation and considered by Scrutiny Committees before returning to Cabinet on 16<sup>th</sup> February, 2023 and submitted to Full Council for a final decision on 6<sup>th</sup> March, 2023.

The Opposition Spokesperson for Finance, Legal and Procurement referred to the lack of specific detail within the report and expressed concern in relation to the proposed 4.99% Council Tax increase and the impact this would have on residents during the peak of a cost of living and inflation crisis. Concerns were also expressed in relation to the proposed budget being set to rely on reserves for future years and the lack of risk analysis should the proposed assumptions, as set out in paragraph 34 of the report submitted, not be delivered.



The Cabinet Member for Finance, Legal and Procurement recognised that it was a difficult time and commented that the Council Tax increase was considered necessary and that further details, together with a breakdown of savings, would be provided to Scrutiny Committees. It was emphasised that 2% of the Council Tax increase would form part of the Adult Social Care Precept.

Councillor Q Zada reiterated comments made concerning the lack of specific detail in the report, which was considered necessary for robust discussions and expressed concern in relation to the nature of the proposed budget cuts. Concerns were also expressed in relation to the budget relying on sums of money from the NHS to balance the accounts, particularly when the NHS was experiencing its own financial difficulties. The proposals within the report were considered to be unachievable and lacked evidence of innovation and service redesign.

Councillor A Aston referred to the number of cuts to services as set out in Appendix D to the report submitted, in particular referring to £1,440,000 efficiency savings identified as a result of new library service/contract, which would have a major, negative effect on the library service and would be unachievable without the closures of facilities.

The Cabinet Member for Housing and Communities commented that the proposals were still provisional and all options would be explored in consultation with shared services, third parties and the voluntary sector.

The Leader commended the work undertaken to achieve a balanced budget, which would achieve efficiencies and maintain service levels.

## **Resolved**

- (1) That the actions of the External Auditors, as set out in paragraph 6 of the report submitted, be noted.
- (2) That the forecast variances to budget in 2022/23 and progress with delivery of savings, as set out in paragraph 8 and Appendices A and B to the report submitted, be noted.

- (3) That the various issues and risks to be taken into account in finalising budget proposals for 2023/24 and the Medium Term Financial Strategy, be noted.
- (4) That the preliminary financial strategy, as outlined in the report submitted, be approved as a basis for scrutiny and consultation.

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## 64 **Review of Housing Finance**

A joint report of the Director of Housing and Communities and the Director of Finance and Legal was submitted on the latest financial forecast outturn for 2022/23 and provisional Medium Term Financial Strategy (MTFS) to 2025/26 (revenue and capital) for the Housing Review Account (HRA).

### **Resolved**

- (1) That the latest Housing Revenue Account outturn forecast for 2022/23, as set out in paragraphs 7 to 11 and Appendix 1 to the report submitted, be noted.
- (2) That the proposed budget for 2023/24 and provisional Medium Term Financial Strategy to 2025/26, as set out in paragraphs 12 to 21 and Appendix 2 to the report submitted and the revised Public Sector Housing capital programme for 2022/23 to 2027/28, as set out in Appendix 3 to the report submitted, be noted.

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## 65 **The Metropolitan Borough of Dudley (Castle Hill, Dudley) Compulsory Purchase Order 2023**

The Cabinet considered a joint report of the Deputy Chief Executive and the Director of Regeneration and Enterprise on the progress of the scheme at Castle Hill, Dudley, involving the redevelopment of the Hippodrome Theatre and the adjoining land and buildings to create a new higher education facility.

Approval was sought for the delegation of powers to progress all necessary work to acquire the remaining interests and new rights required to facilitate the project and to exercise the Council's compulsory purchase powers if the attempts to acquire those interest and new rights by agreement were unsuccessful.

## **Resolved**

- (1) That a Compulsory Purchase Order (CPO) be made under Section 226(1)(a) of the Town and Country Planning Act 1990 for the acquisition of land and rights within the area edged red on the draft Order Map, for the purposes of facilitating development, redevelopment, and improvement of the Order Land and, where necessary, the acquisition of new rights under Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 be approved.
- (2) That the Deputy Chief Executive and the Director of Regeneration and Enterprise, following consultation with the Cabinet Member for Regeneration and Enterprise, be authorised to effect the making, confirmation, and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the Order Land, including but not limited to, the following procedural steps:
  - i. finalise a Statement of Reasons setting out the Council's reason for making the CPO.
  - ii. making the CPO, the publication and service of any press, site and individual notices and other correspondence for such making;

- iii. acquire for planning purposes all interests in land and new rights required within the Order Land as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering negotiations with third parties for the acquisition of their land interests and/or for new rights over their land (as appropriate), the payment of compensation and dealing with any blight notices served in connection with the CPO;
- iv. approve agreements with landowners or statutory undertakers as applicable, setting out the terms for withdrawal of any objections to the CPO, including where appropriate seeking exclusion of land or new rights from the CPO;
- v. make any necessary additions, deletions, or amendments to the draft Order Map and to seek any requisite modifications to the CPO Order;
- vi. the preparation and presentation of the Council's case at any Public Inquiry which may be necessary;
- vii. seek confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981) (the 1981 Act);
- viii. in the event the CPO is confirmed, publication and service of notices of confirmation of the CPO and thereafter to execute and serve any general vesting declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area, including, if required, High Court Enforcement Officer notices; and
- ix. all steps in any legal proceedings related to the CPO including referral and conduct of disputes, relating to compulsory purchase compensation, at the Upper Tribunal (Lands Chamber) and/or the courts and any appeals.

- (3) That the above decisions be subject to the Deputy Chief Executive being satisfied that the funding set out in the report is in place.
- (4) That the Deputy Chief Executive be authorised to approve the Council entering into land and property arrangements with the College, University, statutory utility undertakers, and third parties so to facilitate the demolition, construction, redevelopment and operation of the new higher education facility on terms and conditions to be agreed.

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**66     Infrastructure Funding Statement 2021/22**

A report of the Director of Regeneration and Enterprise was submitted on the Infrastructure Funding Statement 2021/22.

In response to a request made by Councillor P Sahota, the Director of Regeneration and Enterprise undertook to provide information on the seven organisations that had submitted a request for existing or new projects for inclusion on the Infrastructure Funding Statement and would pursue the development of a briefing for all Elected Members on how the process worked.

**Resolved**

That the Infrastructure Funding Statement 2021/22 be approved.

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**67     Residential Design Guide Supplementary Planning Document (SPD)**

A report of the Director of Regeneration and Enterprise was submitted to seek approval for a six-week public consultation on the Draft Residential Design Supplementary Planning Document (SPD), which would update the existing New Housing Development SPD.

## Resolved

- (1) That the Draft Residential Design Guide SPD be approved for a six-week public consultation commencing in January 2023.
- (2) That the Director of Regeneration and Enterprise, following consultation with the Cabinet Member for Regeneration and Enterprise, be authorised to make any non-substantive changes necessary to the document prior to it being published for consultation.
- (3) That the finalisation of the dates for a six-week consultation period be delegated to the Director of Regeneration and Enterprise following consultation with the Cabinet Member for Regeneration and Enterprise.

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### 68 **Compulsory Purchase Order (CPO) Powers to Enable 122 to 128 Colley Gate to be Redeveloped for Housing**

The Cabinet considered a joint report of the Director of Housing and Communities and the Director of Regeneration and Enterprise on the making of a Compulsory Purchase Order (CPO) to facilitate the redevelopment of 122-128 Colley Gate, Cradley for new housing, pursuant to Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981.

At the request of Councillor P Sahota, the Director of Regeneration and Enterprise undertook to arrange for a fact sheet to be provided in relation Section 215 guidance and would consider arranging planning enforcement training for all Elected Members.

## **Resolved**

That the Director of Housing and Communities be authorised to take all necessary steps to secure the making, confirmation and implementation of a CPO for 122-128 Colley Gate, including the publication and service of all relevant notices, the presentation of the Council's case at any local public inquiry and the resolution of any compulsory purchase claims including, if necessary, by way of making (or responding to) a reference to the Upper Tribunal (Lands Chamber).

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### **69     Exclusion of the Public and Press**

## **Resolved**

That the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A to the Local Government Act 1972, as amended, as set out below:

Minute No. 70 – paragraphs 1 and 3 (relating to any individuals and to the financial or business affairs of any particular person (including the authority holding that information)).

Minutes Nos. 71 to 73 - paragraph 3 (relating to the financial or business affairs of any particular person (including the authority holding that information)).

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### **70     Update on Streamlining Black Country Ways of Working – Black Country Consortium Ltd**

A joint report of the Director of Regeneration and Enterprise and the Chief Executive of Black Country Consortium Ltd was submitted on streamlining Black Country ways of working and the confirmation of associated decisions made by the Association of Black Country Authorities (ABCA).



## **Resolved**

- (1) That the decision of the Association of Black Country Authorities (ABCA) Leaders regarding the closure of the Black Country Consortium Limited, be endorsed.
  - (2) That the ABCA Leaders' approvals made at their meeting held on 19th October, 2022, as set out in the report, be noted.
- 

### **71 Regeneration Programme**

With reference to Minutes Nos. 22 and 27 of the meeting held on 23<sup>rd</sup> September, 2021, the Cabinet received a progress report on the Portersfield site and an update following the market appraisal and soft market testing exercise.

## **Resolved**

- (1) That the findings of the market appraisal and soft marketing testing report be endorsed and that the progression of the project, based on a predominantly residential led scheme, be approved.
  - (2) That the proposed timetable for the remaining due diligence and briefs, to be subject to approval at a future Cabinet meeting, be noted.
- 

### **72 Regeneration Programme – Highways**

A joint report of the Deputy Chief Executive and the Director of Regeneration and Enterprise was submitted to seek approval for an amendment to the proposed works at Trindle Road, Dudley, which formed an integral part of the wider Portersfield opportunity site.



## Resolved

- (1) That the recommendation to realign Trindle Road no longer as part of the Portersfield redevelopment opportunity be approved.
- (2) That the promotion of the proposed works to the existing road to provide a proposed two-way segregated cycle link from Castle Hill to Hall Street, that also promotes opportunities for public realm enhancement as part of the Portersfield redevelopment opportunity, be approved.
- (3) That the Director of Regeneration and Enterprise be authorised to enter negotiations with the West Midlands Combined Authority on a formal change request to the grant allocation once the final scheme and likely outputs are known and that these be subject to further Cabinet approval.

---

### 73 **Energy from Waste Contract – Power Purchase Agreement (PPA)**

A report of the Deputy Chief Executive was submitted on the progress towards selling the electricity generated by the Lister Road Energy from Waste plant.

## Resolved

- (1) That the delegation to the Deputy Chief Executive, as Chair of the Strategy Board, to set and execute the hedging strategy be approved.
- (2) That the Deputy Chief Executive, following consultation with the Interim Director of Public Realm and the Deputy Leader (Cabinet Member for Finance, Legal and Procurement), be authorised to enter into the appropriate contractual arrangements for a hybrid/flex model.
- (3) That the establishment of an Energy from Waste earmarked reserve, to be used as described in the report submitted, be approved.

- (4) That the Deputy Chief Executive update the Cabinet on the environmental and financial performance of the PPA as part of the Council's performance management arrangements.

The meeting ended at 7.25pm

LEADER OF THE COUNCIL



## **Minutes of the Cabinet**

**Thursday 26<sup>th</sup> January, 2023 at 5.00 pm  
in Committee Room 2 at the Council House, Dudley**

### **Present:**

#### **Cabinet Members**

Councillor P Harley (Leader)  
Councillor S Clark (Deputy Leader)  
Councillors I Bevan, R Clinton, S Keasey, N Neale, S Saleem and D Stanley.

#### **Opposition Group Members Nominated to attend the Cabinet**

Councillors S Ali, A Aston, C Bayton, K Casey, J Foster, S Ridney, P Sahota and Q Zada.

#### **Officers**

K O'Keefe (Chief Executive), I Newman (Director of Finance and Legal), H Martin (Director of Regeneration and Enterprise), M Smith (Head of Business Support), J Wood (Interim Service Manager), J Vaughan (Head of Assessment & Independence), M Farooq (Lead for Law and Governance) and H Mills (Senior Democratic Services Officer).

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### **74    Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors R Buttery, L Taylor-Childs and P Lowe.

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75     **Declarations of Interest**

Councillor Q Zada declared a non-pecuniary interest in Agenda Item no. 4 (Dudley Local Plan) in view of his portfolio of property investments.

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76     **Minutes**

**Resolved**

That the minutes of the meeting held on 14<sup>th</sup> December, 2022 be confirmed as a correct record and signed.

---

77     **Dudley Local Plan**

A report of the Director of Regeneration and Enterprise was submitted to seek agreement to take forward a statutory planning document, the Dudley Local Plan (DLP), and to approve an updated local development scheme (LDS) 2023-2025, an updated Statement of Community Involvement (SCI) 2023 and to seek approval to open a 'Call for Sites' process.

The Leader, in response to a question raised by Councillor J Foster, commented that a Local Plan would provide Dudley with the opportunity to review its development sites and to protect greenbelt land within the Borough. It was confirmed that any support to other authorities to enable them to meet their shortfall in land supply would only be supported once Dudley's shortfalls had been met.

Arising from questions raised by Councillor P Sahota, the Director of Regeneration and Enterprise commented that she was satisfied that targets would be maintained, subject to adhering with agreed timetables. It was stated that the work undertaken as part of the Black Country Plan, would continue to be used to further develop Dudley's Local Plan, and that the Equality and Diversity Team, if not already done so, would be consulted with regards to the consultation reports and documentation. Positive and appropriate engagement would be undertaken with all community groups.

In referring to paragraphs 13 and 28 of the report submitted, Councillor S Ali requested assurance that the additional cost of producing the Dudley Local Plan would not exceed £500,000 and asked for clarification if the cost of possible legal challenges had been included. In response it was confirmed that the £500,000 did not include reserves for any potential legal challenges.

Councillor S Ridney referred to paragraph 25 of the report submitted in relation to the scope of land use, in particular referred to Gypsy and Traveller sites, and requested assurance that no further traveller sites would be established within the Borough. The Leader confirmed that no new sites had currently been identified to be provided for that purpose.

Councillor K Casey referred to the aspirations of the Dudley Local Plan as outlined in paragraph 39 of the report submitted, however commented on the importance of ensuring that the Borough's Infrastructure was fit for purpose, as the development of further housing would inevitably impact upon the existing pressures of General Practitioners and local schools.

## **Resolved**

- (1) That the revised Local Development Scheme 2023, attached as Appendix One to the report submitted, to provide formal confirmation that work on the Dudley Local Plan is to commence, be approved.
- (2) That the adoption of the amended Statement of Community Involvement (SCI) 2023, attached as Appendix Two to the report submitted, be approved.
- (3) That the Director of Regeneration and Enterprise, be authorised to make any minor modifications and factual changes as necessary to the Statement of Community Involvement and Local Development Scheme, for instance to reflect further changes to government regulations and guidance.
- (4) That a 'call for sites' exercise be approved for a period of six weeks.

- (5) That the Director of Regeneration and Enterprise, in consultation with the Cabinet Member for Regeneration and Enterprise, be authorised to agree and confirm dates for the six week 'call for sites' exercise, provisionally commencing in February 2023.
- (6) That a report to approve the consultation on the Regulation 18 Dudley Local Plan, be submitted to a future meeting of Cabinet.

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78 **Dudley MBC responses to Duty to Co-operate and Statements of Common Ground**

Members considered a report of the Director of Regeneration and Enterprise on the current Duty to Co-operate (DtC) correspondence and Statements of Common Ground (SoCG) undertaken with other Local Planning Authorities.

In referring to the Birmingham City Council Duty to Co-operate correspondence and their suggested housing and employment land shortfall, Councillor S Ali asked how neighbouring authority shortfalls would impact upon Dudley's Local Plan.

In responding the Director of Regeneration and Enterprise commented that Dudley had a legal duty to address strategic cross boundary matters, however there was no legal duty to support if it was evidently clear that Dudley was unable to meet its own demands.

**Resolved**

- (1) That the Officer response to the Duty to Co-operate correspondence with Birmingham City Council, be noted.
- (2) That the Officer response to the Duty to Co-operate correspondence with Worcestershire County Council, be noted
- (3) That the Statements of Common Ground with South Staffordshire Council, be endorsed

- (4) That the formal responses to be submitted to the relevant authorities, be agreed.
- 

## 79 **Dudley MBC responses to Local Plan Consultations**

A report of the Director of Regeneration and Enterprise was submitted on recent Local Plan consultations undertaken by other Local Planning Authorities and to note the Officer responses submitted and to seek approval for the Dudley MBC response to Hampshire Minerals and Waste Plan consultation.

### **Resolved**

- (1) That the summary of the Local Plan consultations, including the key issues arising for Dudley MBC, be noted.
- (2) That the Officer response to the Birmingham City Council Local Plan consultation, as set out in Appendix One to the report submitted, be noted.
- (3) That the Officer response to the South Staffordshire District Local Plan consultation, as set out in Appendix Two to the report submitted, be noted.
- (4) That the Officer response to the Stafford Borough Local Plan consultation, as set out in Appendix Three to the report submitted, be noted.
- (5) That the Officer response to the Tamworth Borough Council Local Plan consultation, as set out in Appendix Four to the report submitted, be noted.
- (6) That the Officer response to the Cheshire East Minerals and Waste Plan, as set out in Appendix Five to the report submitted, be noted.
- (7) That the Officer response to the Norfolk County Minerals and Waste Plan consultation, as set out in the report submitted, be noted.

- (8) That the proposed response to the Hampshire County Minerals and Waste Plan consultation, as set out in Appendix Six to the report submitted, be approved.
- 

## 80 **Home to School Transport Policy**

Members considered a report on the outcome of the public consultation on the Home to School Transport Policies and the key messages arising from the consultation.

In responding to a question raised by Councillor S Ridney in relation to how children, young people and parents had been engaged and consulted on the proposed changes to the policies, the Interim Service Manager confirmed that three open meetings had been hosted by Dudley Parent Carers Forum, two during the day and one during the evening. A representative had also attended a meeting at the Lifted Spirits Parent Group and the community café operated by young people, as well as a meeting at the Allstars Youth Club.

Councillor S Ridney expressed concerns with regard to the proposed changes to the appeals process, in particular the removal of Elected Member involvement, which provided an independent review. The ongoing financial position of the Local Authority was however acknowledged.

In referring to Paragraph 11 of the report submitted, Councillor C Bayton commented on the proposed policy changes in relation to Post 16 and Post 19 students, and the risk that these students may not engage in further education if transport was not provided. Assurance was requested that exceptions to the policy would be considered on a case-by-case basis if clear reasons and evidence was provided. In responding, the Interim Service Manager commented that implementation of the new policy would provide a consistent and strengthened process, with robust decisions. Appropriate questions would be asked, and all information would be requested to be submitted in advance of a decision being made. The law pertaining to home to school transport and travel support allowed the Council to exercise its discretion and this would continue moving forward.



Councillor Q Zada also expressed concern in relation to the lack of Elected Member involvement in the appeal process, as it was considered that Member involvement provided the opportunity for a transparent and honest discussion, and that further consideration should be given to the continuation of Elected Member participation.

Councillor S Ali concurred with comments made in that it was considered important to continue to have Elected Members involved in the appeals process and to ensure that the process was as easy and accessible as possible, so not to cause additional burden to families. It was further commented that the Equality Impact Assessment evidenced that there was an overrepresentation of children with Special, Educational Needs and Disabilities (SEND) from Black and Asian minority ethnic background, with the largest concentration from Central Dudley, and asked what was going to be done to ensure that their needs were not adversely impacted by the change in policies.

In responding, the Interim Services Manager commented that there was no evidence to demonstrate that implementation of the policies would directly disadvantage any one person and that the policies were Borough wide and would treat each individual equally.

Members of the opposition expressed concern in relation to the disproportionate number of children with SEND within the Borough, who's needs had not been addressed or taken into consideration as part of the review and consultation process.

## **Resolved**

- (1) That the information contained within the report in relation to the feedback from the consultation exercise regarding the draft Home to School Transport Policies and subsequent analysis provided, be noted.
- (2) That any significant proposed changes to the draft Policies, in light of the feedback from the consultation exercise, be noted.
- (3) That the work outlined in the section entitled 'Next Steps' of the report submitted, with the objective of completing implementation from April 2023, be approved.
- (4) That the comments received from the Children and Young People Scrutiny Committee, be noted.

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81 **Issues Arising from Scrutiny Committees**

No issues were raised under this agenda items

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82 **Questions to the Leader under Cabinet Procedure Rule 2.5**

There were no questions to the Leader pursuant with Cabinet Procedure Rule 2.5.

The meeting ended at 6.08pm

LEADER OF THE COUNCIL

## **Minutes of the Children and Young People Scrutiny Committee**

**Wednesday, 9th November 2022 at 6.00 pm  
in the Council House, Priory Road, Dudley**

### **Present:**

Councillor P Bradley (Chair)  
Councillors H Bills, D Borley, S Bothul, M Howard, A Hughes, P Lee, K Lewis, S  
Ridney, D Stanley and C Collins (Co-opted Member).

### **Invitee:**

Councillor R Buttery (Cabinet Member for Children and Young People)

### **Officers:**

M Abuaffan (Acting Director of Public Health), A Cartwright (Head of Service  
Consultant in Public Health), C Driscoll (Director of Children's Services), N Hale  
(Head of Safeguarding, Practice and Quality Assurance), S Jones (Head of  
Family Solutions) and K Buckle (Democratic Services Officer).

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### **25. Apologies for absence**

Apologies for absence from the meeting were submitted on behalf of  
Councillors D Bevan, B Challenor and A Millward.

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### **26. Appointment of Substitute Member**

Councillor D Stanley was appointed to serve as a substitute Member for  
Councillor D Bevan for this meeting of the Committee only.



## 27. **Declarations of Interest**

Councillor A Hughes declared a non-pecuniary interest as the parent of two children who had special educational needs and had attended specialist nursery provision.

Councillor P Lee declared a pecuniary interest as he was engaged as a Dudley Foster Carer.

Councillor K Lewis declared a pecuniary interest as an Early Years Provider.

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## 28. **Minutes**

### **Resolved**

That the minutes of the meeting held on 5th September 2022, be confirmed as a correct record, and signed.

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## 29. **Public Forum**

No issues were raised under this agenda item.

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## 30. **Action Tracker/Future Business**

The Chair referred to the items carried forward from the meeting held on 5th September 2022 and Members noted those items that would be presented to future meetings of the Committee, one item that had been completed and those items that remained ongoing.

Councillor C Bayton referred to an item of future business relating to immigrants and asylum seekers referring to the lack of narrative for dealing with those individuals and the need to safeguard them and ensure that they were not subjected to any unnecessary risk. There followed a request that the Cabinet Member for Children and Young People correspond with the Borough's Members of Parliament requesting that those assurances be provided.

In response the Cabinet Member for Children and Young People referred to increasing numbers of the cohort referred to and provided assurances that Dudley were adhering to Government guidelines when dealing with those individuals and urged Members to raise any immediate concerns with herself.

The Cabinet Member for Children and Young People and the Chair undertook to consider the issues raised further.

## **Resolved**

- (1) That the information contained in the Action Tracker and Future Business for the Committee, be noted.
- (2) That the Cabinet Member for Children and Young People in conjunction with the Chair of the Children and Young People Scrutiny Committee consider the request made by Councillor C Bayton to write to the relevant Members of Parliament of the Borough in relation to safeguarding and not subjecting asylum seekers and immigrants to any unnecessary risks.

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### **31. Integrated Early Years, Family Hubs and Start of Life in Dudley**

Members considered a report of the Director of Children's Services on the details of the progress of Dudley Metropolitan Borough Council's work on the development of the Integrated Early Years' Service, Family Hubs and Start of Life.

The Head of Family Solutions presented the report submitted referring to the focus on two key elements, namely, the Integrated Early Years' Services and Start of Life.

The significant remodelling of Early Years in Dudley was referred to and the work undertaken to interlink all teams into one management structure. It was noted that there was now a new leadership team in place.

The new Integrated Early Years Team were working within a cluster based structure within the five Family Centres in the Borough together with one Special Educational Needs Co-ordinator within each of the localities.

Focus was being given to assessments including information sharing in order to provide a uniformed Early Years' data dashboard.

The team were undertaking work in partnership with the Charity ICAN to develop a whole systems approach to speech and language and communication needs in Dudley.

In relation to Specialist Nursery provision, a review on activity was being implemented by a Working Group which was chaired by the Head of Family Solutions. It was noted that any formal changes would be implemented by the Director and Cabinet Member by the Decision Sheet process, following a consultation with all relevant staff. Any changes to the provision would be implemented in September 2023.

The Early Years Inclusion fund was referred to and it was noted that a Working Group had been established to investigate the current model, introducing terms and conditions, outcome measures and review periods of early providers accessing the fund to ensure it was used in the most appropriate way. The work would run in parallel with the specialist nursery review.

It was stated that Dudley's outcomes for the Early Years Foundation Stage Profile results and Good Levels of Development results would be received in November 2022.

The Family Hubs and Start for Life Programme Guide had been issued by the Department for Health and Social Care and the Department for Education for 75 local authority areas to be eligible to receive a share of the £301.75m Family Hubs and Start for Life programme funding package for the period 2022 to 2025.

The funding could be accessed based on the index of deprivation and all four Black Country Authorities were eligible. There was a clear and rigid set of grant conditions and the funding could be utilised for perinatal support, mental health, parent support and home learning. The funding for the current financial year was £937,000, with the following two years of £1.3m and £1.2m respectively. Work was currently being undertaken to profile on spending.

The funding was awaited and should be available during the current week.

It was stated that Dudley would need to deliver on a range of minimum and go-further expectations by the end of the programme and initial benchmarking against those expectations evidenced that Dudley was already well on the way to achieving those.

A co-produced delivery plan with all 75 local authorities was to be submitted by the end of December 2022, and a condition of the grant was to establish a Parent Carer Panel by March 2023 which would provide guidance and support from a new parent's perspective.

It was stated that the Start of Life Offer was to be published in both a digital and physical form in order for parents and carers to have a clear understanding of the services and support available.

The Governance arrangements in Dudley were outlined and it was noted that challenges continue to exist for the Early Years Foundation.

The Early Learning goals and achievements as outlined in report submitted were referred to and the areas of the Borough where achievements and goals were higher were outlined in the Borough map.

In relation to childhood obesity, the percentage of children who had excess weight in Reception aged four to five years and in year 6 aged ten to eleven years were referred to. In comparison to the England average, Dudley had a worsening percentage of children in reception (27.1%) and year 6 (41.1%) who had excess weight.

It was reported that a significant amount of work continued to ensure that staff were based in the most significant needs areas to meet the needs for children and had the greatest impact on those areas of needs.

Arising from the presentation of the report submitted, Members asked questions and made comments as follows: -

The Chair commented positively on the use of Liquidlogic as a key recording system for the Integrated Early Years System and the Head of Family Solutions advised that Liquidlogic was not currently recording information, however profile work was being undertaken and timescales would be shared with the Committee once confirmed.

It was also confirmed that in relation to the specialist nursery hours offered to children, those were being considered by the Working Group in order to explore options to enable the most vulnerable children to access a more equitable offer across early years.

The Chair emphasised the need to continually monitor the Good Levels of Development data.

Councillor A Hughes advised that he could arrange a visit to the Leapfrog specialist nursery provision in Netherton for Members of the Committee and this was welcomed by Members.

In response to a question from Councillor A Hughes in relation to the take up of places within specialist nursery provision, the Head of Family Solutions advised that following on from the report submitted, during the commencement of the new term places had subsequently been filled.

The Head of Family Solutions also referred to the highly skilled staff that were placed across the Borough to ensure that children received all of the support that they required.

In relation to the Specialist Nursery Review, there remained one staff vacancy to be filled as part of the remodelling.

Councillor H Bills referred to the Halesowen Children's Centre situated in the Lye area of the Borough that could not be easily accessed by Halesowen residents and queried whether it was intended to provide further provision closer to Halesowen in the future. The Head of Family Solutions referred to the need for service transformation and the current work being undertaken with health visitors and family support workers on how to provide that equitable service across the Borough.

Councillor H Bills referred to a Community room that could be utilised in Halesowen North.

In response to a question from Councillor S Ridney, the Head of Family Solutions advised that in relation to Family Hubs Start for Life, those with young children were offered a walk-in service and from this month maternity services were being delivered at all four Family Centres. The next stage would be the installation of neonatal scanners in the four Family Centres, with the ambition to provide a walk-in service for all families and children.

Councillor C Bayton queried whether the Family Hubs, Start for Life and family help services funding in the sum of £937,00 was required to be spent by the end of the current financial year and whether there was any risk in terms of that funding being clawed back.

The Head of Family Solutions advised that following a meeting with the Department for Education (DfE) it had been stated that funding could only be rolled over in exceptional circumstances, however due to procurement rules delaying commissioning it was believed this would constitute exceptional circumstances. Although the DfE were in general agreement, further discussions would be undertaken with the Treasury. It was hoped that funding could be carried forward.



Councillor S Ridney referred to young children suffering with speech and language problems that also now encompassed communication skills and the need to focus on a universal offer across the Borough as these problems were no longer occurring in deprived areas but Borough wide.

Councillor M Qari referred to the need to target support to diverse areas with cultural sensitivities.

In response the Head of Family Solutions referred to significant cultural changes in the provision of maternity services in Family Centres. He also referred to the new Birth Registration Service in two Family Centres to the North and South of the Borough, whereby every birth registered would also be registered within two of the Boroughs Family Centres in order that services could be targeted at those young families, however there was also the need to build upon the parenting programmes and support that already existed.

- (1) That the information provided on Dudley Metropolitan Borough Council's development and future plans for the Integrated Early Years' Service, Family Hubs and Start for Life programmes, be noted.
- (2) That the delivery of the Integrated Early Years' Service following remodelling work to bring three distinct teams into a single leadership and management structure be acknowledged.
- (3) That the delivery of the new Family Hubs and Start for Life programme in Dudley linked to grant conditions and funding over financial years 2022/23 to 2024/25 be facilitated by Officers.
- (4) That Councillor A Hughes be requested to arrange a visit for all Members of the Committee to the Leapfrog Specialist Nursery Provision in Netherton.

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## 32. **Independent Reviewing Officer (IRO) Annual Report 2021/22**

A report of the Director of Children's Services was submitted on the Dudley Safeguarding Service statutory responsibility for overseeing and ratifying the care plans for children and young people in care via the

activity of the IRO's. The Service was duty bound to provide the Children and Young People Scrutiny Committee with an annual report outlining the activity of the service, the impact for children and recommendations for service improvement that would enhance young people's experiences.

The Head of Safeguarding, Practice and Quality Assurance presented the report submitted referring to quantitative information in relation to the service, advising that the staffing levels had now stabilised through the year with a full compliment of permanent staff now in place, who had a mixture of experience.

The IRO handbook recommended caseloads of 50 to 70 children per IRO. The average caseload including children and young people in care and children subject to Child Protection Plans as at 31<sup>st</sup> March 2022 was 70 children per IRO.

It was noted that the role of the IRO would be defined in order that their functions in future would to be responsible for only those children in care.

There had been a reduction in the children in care population, with older children remaining the longer lasting cohort and it was noted that children benefited from permanency placing.

93% of all children and young people in care in 2021/22 were reviewed in line with statutory timescales. That compared with 93% at the end of March 2021, and there were new factors in relation to timescales not being met which included unexpected illness which could be for Covid related symptoms.

Work was continuing to develop written information in relation to IRO and the reviewing service to prepare children and young people for participation. An open survey Monkey had also been developed to seek feedback following every child's meeting and targeted feedback fortnights had also taken place. Consultations had begun with the Children in Care Council alongside work with care experienced apprentices.

Child participation in their reviews by sending their views prior to the meeting had improved by 6.2% between 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022. However, further work was required to improve the number of children who attend or lead their own review.

Although children and young people were encouraged to attend their reviews in person, new ways of conducting reviews had been adopted, with children and young people being offered the facility to attend hybrid meetings.

Between April 2021 to March 2022, the IRO Service had received three compliments and four complaints. All four complaints had been received regarding IRO communication and conduct at meetings, three of which were not upheld and one was partially upheld.

It was noted that IRO's could challenge the Local Authority should there be significant drift or delay in Care Plans.

There had been a significant increase in those accessing the Dispute Resolution Process which was as a direct result of the work conducted with the team in relation to effective challenge and consistency.

It was reported that as IRO's work within Social Work Teams they remained in a good position to implement good practice.

The Children in Care Council were an integral part of the revised processes for the recruitment of IRO's in Dudley.

The consultation process had commenced in respect of plans to develop a child friendly set of practice standards to reflect the child and young person's views in relation to their expectations regarding how their reviews were held.

The review of the previous year's priority areas for improvement and action as contained in the report submitted were referred to together with the priorities for 2022/23 and it was confirmed that work would continue to improve the service.

Arising from the presentation of the report submitted Members raised questions as follows: -

The Chair commented positively on the report submitted and referred to the work in progress in relation to the Service. He also supported the work with the Children in Care Council to improve the service and agreed that it was imperative that children and young people participate in their reviews.

In responding to a query from Councillor C Bayton, the Head of Safeguarding, Practice and Quality Assurance confirmed that participation in reviews was vital and work continued to encourage children and young people to attend their reviews in person.

In responding to a query from Councillor H Bills in relation to participation in Child Protection Conferences by General Practitioners and Officers from West Midlands Police, it was noted that hybrid meetings had facilitated greater attendance from the above and partner attendance continued to be reviewed a monthly basis.

- (1) That the report be noted and utilised to inform strategic planning for the Dudley children and young people in care population.
- (2) That the report be used to hold the Safeguarding Service to account in the ongoing delivery of services to children and young people in care.

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### 33. **Serious Violence Statutory Duty and Strategy**

A report of the Acting Director of Public Health was submitted, providing information to Members on the new statutory duty upon local authorities and other specified authorities regarding serious violence and to report on current activities to meet that duty. The Safer Dudley – Preventing and Reducing Serious Violence in Dudley Strategy for 2023 to 2026 was appended to the report submitted.

The Head of Service Consultant in Public Health presented the report and Strategy appended to the report submitted making particular reference to Dudley being one of the safest areas to reside in the West Midlands Combined Authority; the work and consultation to be conducted with key partners; the three types of violence that the Strategy would address; the requirement to utilise public health solutions; several Working Groups that had taken place in October 2022 when partners had been invited and the prevention of risk factors to prevent serious violence.

Work would continue with the Violence Reduction Partnership to provide preventative and re-active programmes.

It was reported that a number of young people had indicated that they carried knives for self-defence purposes.

The services provided by the Oldbury Custody Unit who followed up young people who were admitted to the Accident and Emergency Departments, were referred to and the continued need to consult with the Youth Justice Service, Trading Standards, Housing Services and West Midlands Police.

The Chair referred to the Strategy forming an important piece of work.

The Head of Service Consultant in Public Health reported that a Community Safety Lead would be appointed and also referred to the involvement of further third party sector providers such as Bernardos, Dudley Council for Voluntary Services and St Giles Trust.

It was also reported that work would continue with education providers to inform children and young people of the dangers of carrying offensive weapons such as knives and other sharp implements.

There was a small amount of central funding available, however the Violence Reduction Unit had a number of programmes to tackle violence and serious crime and there was a Key Start to Life offer in relation to linking support and services to those who required it.

The Chair requested that the Head of Service Consultant in Public Health forward to Elected Members details of the support services available.

Councillor S Ridney referred to the need for Youth Services to be provided to young people and that being imperative to forming the new Strategy.

In response to a question from Councillor C Bayton it was stated that the Head of Service Consultant in Public Health and Officers of the West Midlands Police chaired a Violence against Women and Girls Board that concentrated on Female Genital Mutilation, forced marriage and sexual violence.

In response to a question from Councillor D Borley, it was stated that it was difficult to obtain data in relation to drug related violence, however there was the ambition to share data between all hospitals within the West Midlands area in order to share data recording in that regard.

## **Resolved**

- (1) That the report be noted and once developed Members be further consulted on the Serious Violence Strategy.
- (2) That the work of the Safe and Sound Board in undertaking the statutory duty around prevention of serious violence on behalf of the Local Authority, be supported.
- (3) That the Head of Service Consultant in Public Health be requested to forward to Elected Members details of the support services available to tackle violence and serious crime.

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

The following question was received from Councillor A Hughes and a response was provided and outlined by the Chair.

Can I have a list of members, by name, of the working group reviewing specialist nursery provision?

Can I ask if any parents whose children have attended a specialist nursery are on the working group, or past or present staff members?

Have members of the working group spent time in the specialist nurseries? If not, are they planning to do this, to gain a proper understanding of the complex needs of the children who attend and how the nurseries operate?

**Response**

The working group is being led by Scott Jones, Head of Family Solutions with support from colleagues from education, accountancy, human resources, commissioning and Integrated Early Years. The regular attendees are: -

Jacqueline Carolan (Family Solutions)

Laura Pickering (Family Solutions)

Donna Farnell (Family Solutions)

Laura Jones-Moore (Financial Services)

Gemma Tovey (Integrating Commissioning Service)

Martyn Palfreyman (Education Outcomes)

Robert Marsh (HR Delivery and Intelligence)

No parents or past or present staff members are part of the working group. Engagement with the Dudley Parent Carer Forum is taking place by the Integrated Early Years Service around the specialist nursery timetable.

The working group is made up of staff who have a significant understanding of specialist nursery provision both within Dudley and outside of the Local Authority.

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35. **Closing Remarks of the Chair**

The Chair advised that three representatives of the Local Government Association would be in attendance at the next meeting of the Committee and would provide a brief reflection session at the end of the meeting.

The meeting ended at 7.35pm

CHAIR

CYPSC/47

## **Minutes of the Children and Young People Scrutiny Committee**

**Thursday 19th January 2023 at 6.00 pm  
in the Council House, Priory Road, Dudley**

### **Present:**

Councillor P Bradley (Chair)  
Councillors H Bills, D Borley, S Bothul, A Hughes, P Lee, K Lewis, A Millward, M Qari and S Ridney.

### **Invitee:**

D Madden – Local Government Association

### **Officers:**

A Cartwright (Head of Service Consultant in Public Health), J Dean (Interim Head of SEND), C Driscoll (Director of Children's Services), L Jones-Moore (Principal Accountant), I Newman (Director of Finance and Legal Services), M Spittle (Head of Access and Prevention – Adult Social Care), E Thomas (Lead Education Advisor), J Wood (Interim Service Manager – Children's Commissioning), A Wright (Virtual School Head Teacher) and K Buckle (Democratic Services Officer).

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### **36. Apology for absence**

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

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37. **Appointment of Substitute Members**

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

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38. **Declarations of Interest**

Councillor A Hughes declared a non-pecuniary interest as the parent of two children who had special educational needs and had attended specialist nursery provision.

Councillor P Lee declared a pecuniary interest as he was engaged as a Dudley Foster Carer.

Councillor K Lewis declared a pecuniary interest as an Early Years Provider.

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39. **Minutes**

**Resolved**

That the minutes of the meeting held on 9th November 2022, be confirmed as a correct record, and signed.

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40. **Public Forum**

No issues were raised under this agenda item.

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41 **Opening Remarks of the Director of Children's Services**

In view of the recent Ofsted Inspection, the Director of Children's Services provided Members with a brief outline of the comments of the Inspectorate referring to improvements in services since 2021 and the overall judgment that although some services still required improvement the inspection had been overall more positive in the detail.

The report received from Ofsted recognised a number of strengths including the effective front door system operated at the Multi Safeguarding Hub; Children's Services provided a good response to children missing from a children's home or private fostering; the strengths of the Virtual School were good and effective; Adoption Services were well organised; Children in Care received a good service; most care plans were well written; permanency support was stronger due to working in partnership; there was a commitment to corporate parenting; there was a strong emphasis on growing your own Social Workers and there were six apprentices who were care leavers.

There were five areas that required re-inspection which included the need to increase advocacy for children and young people; the need to focus on those in registered care homes and whether to commence legal proceedings on a more-timely basis; there was the need to focus on assessments and care plan supervision.

Workforce capacity remained problematic, however considerable work had been completed during the previous 12 to 18 months, and although that work had resulted in some success with regard to recruitment, vacancies remained an issue.

Members would receive further updates at future meetings.

On the morning of this meeting the DfE had undertaken a further formal review and were extremely pleased with the trajectory of travel within services.

The Chair referred to the positive work that had been undertaken in relation to services since 2019 and the end of the Dudley Improvement Board meetings as that was no longer required.

Councillor S Ridney referred to the positive presentations made by Social Workers at the Dudley Improvement Board.

### **Resolved**

That the information reported on at the meeting, be noted.

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#### **42. Action Tracker/Future Business**

The Chair updated Members in relation to the Action Tracker referring to the Corporate Quarterly Performance Report that had been emailed to

Members for their consideration, comments and questions, and the letter that had been forwarded to the Members of Parliament of the Borough in relation to immigrant families and asylum seekers.

The visits to the Multi Agency Safeguarding Hub and Brierley Hill Family Centre were mentioned and it was noted that further visits would be arranged.

It was reported that a visit for Members to the Leapfrog facility in Netherton had been arranged to take place on the 27<sup>th</sup>, April 2022.

## **Resolved**

That the information contained in the Action Tracker and Future Business for the Committee, be noted.

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### **43. Medium Term Financial Strategy**

Members considered a joint report of the Chief Executive, Director of Finance and Legal, and the Director of Children's Services on the draft Medium Term Financial Strategy to 2025/26 as approved by the Cabinet on 14<sup>th</sup> December 2022, with the emphasis on those proposals relating to the Committee's terms of reference, specifically Children's Services.

The Director of Finance and Legal Services presented the report submitted referring to the Government Funding with the Chancellor delivering his Autumn Statement that provided a high level of national allocations. The detail of Dudley's allocations had been received on 19<sup>th</sup> December 2022 and would be presented to the Cabinet on 16<sup>th</sup> February 2023 and to full Council on 6<sup>th</sup> March 2023.

Members were referred to paragraph 30 of the report submitted, and Members noted that the summary forecast spending of £30.4m had raised to £3.10m by 2025/26, the resources figure estimate had raised from £300m in 2023/24 to £318m in 2025/26. Following the receipt of Dudley's allocations the forecast resource figure would be £2.1m better in each year.

- (a) The Chair referred to the new emerging pressures in relation to managed step down from external residential placements, and the movement of external placements into internal residential placements which in total resulted in unachievable savings of £800,000, and the looked after children placements net forecast pressures on external residential placements.

The Director of Finance and Legal Services clarified that those pressures had been assessed as unachievable pressures as far as savings were concerned.

- (b) The Chair referred to the more cost effective internal residential placements which also provided consistency for looked after children.

The Director of Children's Services referred to the long-term strategy for children to remain safely with their families for longer periods of time and two methods for achieving that aim, one of which was being placed with a loving foster carer, stating that recruitment of additional foster carers remained a priority.

It was noted that pressures remained in relation to residential placements in so far as specialist provision was concerned, as that would require huge support with heavily regulated provision. It was stated that the system nationally was broken with staff calling on 300 plus providers each time that specialist provision was required and demand and cost pressures remaining.

- (c) The Chair suggested that in order to attract foster carers a Council Tax Reduction Scheme could be offered to those carers as an incentive.
- (d) Councillor P Lee referred to the retention of Social Workers and the requirement to provide incentives insofar as salaries were concerned.
- (e) Councillor A Millward also reiterated the need to retain Social Workers.

The Director of Children's Services confirmed that there was a memorandum of understanding with other Black Country Authorities in relation to the salaries of Agency Staff not exceeding a certain amount, however certain Authorities received the authority to exceed the cap and it was anticipated that the Department for Education would make an announcement in relation to the national problem of recruitment and retention during the new year.

It was noted that the Directorate had introduced a market forces payment of £7,000 in 2022 that had made a slight difference in relation to Assessment Services, however that had not impacted on Safeguarding and Support Services and as the shortage of Social Workers remained a national problem further work would be investigated in Dudley to try and address the issue.

- (f) In response to a question from the Chair in relation to salary scales in other Authorities, the Director of Children's Services advised that not all Authorities would share that information.
- (g) Arising from a question from Councillor S Ridney in relation to no savings being identified for the 2023/24 municipal year regarding Family Safeguarding, the Director of Finance and Legal Services referred to the projected savings in future resulting from keeping children with their families reducing child placement costs, and in relation to the placement budget a comprehensive breakdown would be provided to Members.

In relation to the cessation of the voluntary sector contract that had produced a saving, it was noted that the work contracted had not been undertaken and the contract had come to an end.

### **Resolved**

- (1) That the proposals for the Medium-Term Financial Strategy to 2025/26, as set out in the report and Appendices to the report submitted, be received and noted
- (2) That the Director of Finance and Legal Services be requested to investigate the possibility of offering a Council Tax Reduction Scheme to Foster Carers.
- (3) That the Director of Finance and Legal Services be requested to provide Members with the detail surrounding the savings against the base budget for children's placements.

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#### **44. Home to School Transport Policy**

A report of the Director of Children's Services was submitted on the Home to School Transport Policy. Appended to the report submitted were the Consultation on the proposed changes to Dudley Metropolitan Borough Council's Transport Policy for children and young people, Home to School analysis and feedback, the aged four to sixteen proposed Transport Policy, the proposed Post sixteen Transport Statement, the Parent Carer Forum's Transport Consultation response, an email from a parent containing comments on the aged four to sixteen proposed new Transport Assistance Policy and feedback from a parent on the proposed aged four to sixteen proposed new Transport Assistance Policy.

The Interim Service Manager, Children's Commissioning provided a brief presentation on the Home to School Transport Consultation, referring to the objectives of the Consultation, the proposed changes, feedback to the Consultation and key messages.

A summary of the Consultation and the next steps were referred to and included completing changes to processes and procedures, supporting the new polices in consultation with parents during January and February 2023; producing implementation, communication and engagement plans during the months of January to March 2023; developing terms of reference and governance engagement arrangements for the new Stage 2 Appeals Panel; publication of the Transport Assistance Policy by 3<sup>rd</sup> April 2023 and the implementation of the four to sixteen Transport Assistance Policy by 3<sup>rd</sup> April 2023 and the post sixteen Transport Statement by 4<sup>th</sup> September 2023.

- (a) The Chair referred to the recommendations contained within the report submitted and stated that although he understood the objectives of the proposed changes, he was of the opinion that Elected Member involvement within the appeal process should remain from both a democratic and moral stance.
- (b) The Chair also stated that he was pleased that the best practice of another authority in relation to travel training had been considered as part of the proposed changes to the Policy, and sought clarification on whether that aspect of policy would cover those children and young people who had complex needs.

In response the Interim Service Manager, Children's Commissioning stated that each application for transport assistance would be considered individually on its own merits.

The Director of Children's Services elaborated on the response stating that complex needs covered a wide range of needs including those which were significant, however some young people would require the opportunity to live independently in a wide stream environment. There was also the requirement to focus on those who would benefit from that opportunity, in order to make the best use of those resources that were available to the Directorate.

- (c) In response to a question from Councillor A Hughes, the Interim Service Manager, Children's Commissioning reported that there would be transitional support for those children under the age of five who currently received travel assistance, and work was underway to provide locally based provision to support children across the Borough.

- (d) Councillor A Hughes sought assurances that should the appeals process change that each case would be considered in the appropriate manner.

The Director of Children's Services provided assurances that senior Officers who were to consider appeals would fully understand the new Policy and decisions would be based on the appropriate legislation.

- (e) Councillor A Millward expressed concerns with removing Elected Members from the appeals process stating that they would always carry out their fiduciary duties whilst considering the financial position of the Local Authority.
- (f) Councillor H Bills stated that Officers reaching decisions on other Officers decisions would not be the correct process for appeals and Elected Members must continue to be involved with the appeals process which would guarantee natural justice.
- (g) Councillor M Qari requested confirmation on how the Local Authority would discharge their equality duties especially in relation to those with protective characteristics and were those details covered by the new Policy.

The Interim Service Manager, Children's Commissioning stated that there was no evidence previously presented to demonstrate that the Policy had disadvantaged any person, with the new Policy improving on the current one ensuring it was clearer and easy to understand and apply.

It was also stated that by examining previous Ombudsman cases it had been evidenced that those cases that had been successful had been due to not having clear and transparent decision-making processes in place.

The Director of Children's Services referred to the work that had been and would continue with the Dudley Parent Carer Forum in relation to the new Policy.

The Director of Children's Services referred to the need to have a clear appeals process as there were currently some inconsistencies in relation to decision making in relation to appeals which were not in line with the current Policy and the requirement to strengthen the Policy.

There had been a wide Consultation period and it had been broadly published, although 58 responses had been received which was a low response rate, however it was noted that the public could not be forced to respond to the Consultation.

It was reported that an Equality Impact Assessment had been undertaken in relation to the current Policy which would apply to the new Policy, and that Assessment would remain in place, with the new Policy being refined and improved.

- (h) Councillor M Qari recommended that a new Equality Impact Assessment be undertaken in relation to the new Policy.
- (i) Councillor D Borley requested details of what support was available to post 19 young people as far as travel assistance was concerned. In response the Director of Children's Services stated that regarding those young people with special educational needs and disabilities there was the requirement to meet educational needs up until the age of 25 years, and under the Children Act there was the requirement to meet broader needs from the age of 18 years, with most following the Care Assessment process, however as far as transport assistance was concerned, the majority of colleges provided transport, with the onus of providing transport not resting solely with the Local Authority.
- (j) In response to a question from Councillor A Hughes in relation to the consultation process, the Interim Service Manager – Children's Commissioning stated that there had been a public Consultation in relation to the new proposed Policy and that process included attendings schools to inform parents and carers of the Consultation, with parents and carers being engaged with within different forums.

It was noted that the Consultation period had been extended to 90 days to offer wider engagement.

## **Resolved**

- (1) That the information contained in the report submitted on proposed changes to the Home to School Transport Policy following the feedback from the consultation exercise and recommended next steps, be noted.
- (2) That the significant proposed changes to the draft Policies, in light of the feedback from the consultation exercise, be noted.
- (3) That the work outlined in the section entitled 'Next Steps' with the objective of completing implementation from April 2023 contained within the report submitted be supported.



- (4) That the Director of Children's Services be requested to carry out an Equality Impact Assessment in relation to the new proposed Home to School Transport Policy.
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45. **Special Educational Needs and Disabilities (SEND) Improvement Update.**

The Committee received a report on the progress of the SEND improvement journey.

The Interim Head of SEND presented the report submitted referring to the significant changes in the service since 2019 and the Written Statement of Action that had now been accelerated into a progress plan.

It was reported that areas had been identified for improvement that sat in specific workstreams and the need to ensure that there were clear impact plans.

It was noted that in November 2022 the local area was subject to a six month review of progress and the outcomes of that review were contained in the report submitted. Following that review by Ofsted and the Care Quality Commission a letter had been received in relation to both the good progress areas and those areas which still required the impact to be assessed on the ground with the need to embed processes, that may take some time before that impact can be assessed.

Surveys were actively being completed to monitor progress and there was the requirement to investigate the next assessment framework in order to plan for the next Inspection.

The SEND operational performance was working well, assessment processes were being conducted on a timely basis following the detailed work conducted with the SEND team who were now focused on the assessment process, and the work in relation to strengthening Education Health and Care needs assessment process to ensure that decision making was transparent and robust and the assessment was through and supported the output of high quality Education Health and Care Plans (EHCP's). The positive feedback from the Parent Carers Forum was referred to.

EHCP's had become more timely with all being issued by the end of December and within the 20 week timeframe, with plans being scrutinised in order to provide better outcomes for children.

It was accepted that there were concerns in relation to the increase in demand for EHCP's in the main relating to the early years cohort of children, however it was believed that national and regional areas were witnessing an increase in numbers.

The need continued to ensure that mainstream education was meeting the needs of children earlier and remained all inclusive.

Mention was made of the Department for Education Grant Funding that was available in order to improve outcomes for children and young people with SEND. The application for funding was to be made on 23<sup>rd</sup> January 2023, notification of the outcome of the funding application would be received in March 2023.

- (a) The Chair commented positively on children remaining in mainstream education with the relevant support, referring to his recent meeting with headteachers.
- (b) Councillor A Hughes referred to the continuing demand in relation to specialist support and Officers responded stating the need to prevent reduced hours in school for those receiving specialist support, and continuing work on inclusive pathways together with ensuring children were not excluded from education and the support required to ensure children's specialist needs were met.
- (c) Councillor A Hughes expressed concerns that some children were not fully supported in mainstream provision and the individual needs of children should be considered on a case-by-case basis.

The Head of SEND provided assurances in the above regard, referring to parent's expectations and stating that the new funding would assist with that specialist provision that was required.

Councillor H Bills referred to the funding required by schools in order to remain all-inclusive in mainstream provision.

- (d) Councillor A Millward referred to the high number of children with SEND compared to neighbouring areas and the larger proportion of children who were primary age with SEND which would produce an upward trend in those requiring specialist support.

In response to a further question the Head of SEND advised that some families with SEND children may obtain Disability Living Allowance and the majority of requests for assessments were received from schools.

### **Resolved**

- (1) That the current progress of the SEND Accelerated Progress Plan (APP) outlined in the report submitted, be noted.
- (2) That the contents of the SEND Operational Performance Data, as contained in the report submitted, be noted.
- (3) That the contents of the School Inclusion Update, be noted.

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#### **46. Dudley Virtual School – Summary of Annual Report 2021/22**

Members considered a report on the programme of activities, systems and processes that were being developed to improve outcomes and enhance learning for children in care.

The Virtual School Headteacher and Lead Education Advisor presented the report submitted, referring to the support and delivery arrangements and academic outcomes for the early years cohort of children and the data analysis work conducted in relation to those children.

It was noted that the academic gap between children in care and all Dudley pupils had widened from 2019 to 2022 by 3.1%.

During the pandemic speech and language skills were impacted upon and screening tools were developed in order to examine teaching interventions work with schools and nurseries together with the Early Years Teams.

Details in relation to Year One Phonics as contained in the report submitted were referred to and it was noted that better outcomes were achieved by Dudley pupils as compared with the national and regional children looked after.

The cohort of the Key Stage Two children was referred to and it was noted that there were 35 children in the Year 6 Cohort, with 77% being educated in Dudley schools and 23% out of Borough. In this age group 60% had been identified SEND including 43% with Education and Health Care Plans (EHCP's) and that high number had impacted on the outcomes for that year group.

The Year 11 Key Stage Four three year unvalidated outcomes as contained in the report submitted were referred to and it was noted that improvements achieved over the preceding three years had been consolidated this year with the return to external examinations. The percentage of young people achieving strong passes in English and Maths had been consistent across the last three years, having risen from 6.1% in the 2018/19 academic year.

It was stated that not all children undertook GCSE's and there had been a focus upon young people who had experienced a change in their educational settings.

Details in relation to Post 16 apprenticeships were outlined.

There had been an increase in level three studies with children in care wishing to access higher level education, apprenticeships or university supported by a Post 16 Advisor.

It was reported that the full cohort of children in care had an increasing number with identified SEND, 25% with EHCP's which represented a slight increase. The percentages of those receiving Dudley provision and those on roll out of Borough were outlined.

In relation to the quality of educational provision 81% of children in care cohort were in good or outstanding schools.

The attendance to schools by children in care had improved closer to pre-pandemic levels, demonstrating a further improvement from the last academic year with the proactive work implemented to support that cohort of children being recognised.

Work with schools and designated meetings taking place in order to support staff and young people continued.

It was reported that the Not in Education, Employment or Training (NEET's) Graph indicated that there had been no NEET's in the previous year and as part of the Department for Education (DfE) pilot new initiatives had been introduced with Post 16 providers in order to provide individual support systems to young people.

It was stated that from the recent Inspection PEP's had been assessed to be of good quality, with young people's views being a thread throughout the Plans, with 95% of PEP's being of good quality or outstanding.

In relation to learning development work was conducted closely with Colleges and with other Authorities Virtual Schools.

There had been a programme forged from the partnership with the Education Endowment Foundation (EEF) and the Virtual Schools across the Black Country has seen the Literacy Transition programme launched.

The work conducted in relation to primary literacy was outlined and the nurturing resilience programme which contained elements of raising attainment for disadvantaged young people.

Processes were investigated in order to target more vulnerable learners in different ways.

The Trauma Information and Attachment Aware Schools offer would be supported by the ARC tools and training provided by either AC Education or KCA, creating a tailored model for each setting. This would help to support schools and their staff to be more supportive and knowledgeable on how to support children and young people.

Aspirational work was being conducted with University's to provide outreach enrichment activities.

The benefit from mentors via the Spring Forward initiative was referred to.

There was to be a graduation event the following week for those care leavers who had obtained their degrees and were now in full time employment.

The Arts Offer and Sports Link had been extended.

In relation to workforce development an annual conference was to take place on 12<sup>th</sup> July 2023 at Dudley College.

- (a) The Chair commented positively on the creative work of the Virtual School and Members applauded the service for all of their work.
- (b) Councillor S Ridney expressed her thanks for the Member of the Virtual School who attends Working Groups.

## **Resolved**

- (1) That the contents of the Dudley Virtual School – Summary Annual report 2021 – 2022 including the actions to improve outcomes for Dudley children looked after pupils, be noted.
  - (2) That the Virtual School Headteacher be requested to submit further reports to the Committee that include an insight into the types of support that had been effective for looked after pupils.
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47. **Feedback Report from the joint meeting of the Children and Young People Scrutiny Committee Working Group, the Health and Adult Social Care Scrutiny Committee Working Group and the Children's Corporate Parenting Board Working Group.**

Members considered a report of the Chair was considered providing feedback from the joint meeting of the Children and Young People Scrutiny Committee Working Group, the Health and Adult Social Care Scrutiny Committee Working Group and the Children's Corporate Parenting Board Working Group held on 15<sup>th</sup> December 2022.

## **Resolved**

- (1) That the short-term crisis interventions that the Council provide be noted, and that Public Health be tasked to research into good and innovative practises in other parts of the country, in respect of the long-term strategy to tackle the cycle of poverty embedded in parts of Dudley's Communities to assist with the development of the Dudley Strategy, and to report back to a future meeting of the joint working group.
- (2) That the Head of Service – Children and Young Peoples Public Health provide a detailed Ward by Ward breakdown of the percentage of children living in poverty within the Dudley Borough.
- (3) That a clear set of Key Performance Indicators and robust monitoring of the council's activities on poverty reduction be agreed as part of the Dudley strategy.
- (4) That the Head of Service – Children and Young Peoples Public Health provide a list of the Schools in the Borough taking part in the National Breakfast Club Scheme and the companies schools work with to provide breakfast club supplies.

- (5) That the Leadership of the Council be recommended to write to Central Government, as a matter of urgency, to request additional funding during the current cost of living crisis to assist families. It is acknowledged that the Government have to date made money available to assist families with fuel and food however as the crisis deepens, more families who would traditionally not have found themselves in relative poverty were now struggling. Demand on the voluntary sector was growing and resources were not keeping pace.
- (6) That the Housing and Communities Directorate be reminded of their Corporate Parenting role and responsibilities and be a named and active key partner within the Dudley Strategy.
- (7) That a report on the role and responsibilities of the Private Sector Housing Team; what powers of enforcement they have at their disposal and an understanding of how they put the child at the centre of the work they undertake, be submitted to a future meeting of the Children and Young Peoples Scrutiny Committee Working Group.
- (8) That the Head of Service – Children and Young Peoples Public Health, to pursue the arrangements of a meeting with the Department for Works and Pensions, to raise concerns of the impact of the change in benefit eligibility and to consider the possibility of sharing data and to notify a school when a child was eligible for free school meals.
- (9) That a further report on ideas and initiatives Dudley could utilise to develop healthy High Streets and provide advice on whether fast-food delivery organisations require a special license to deliver food, be submitted to a future meeting of the joint Working Group.
- (10) That the Head of Service – Children and Young Peoples Public Health, provide the joint Working Group Members with a copy of the delivery plan in relation to the Family Hub Funding.
- (11) That the Head of Service – Children and Young Peoples Public Health, provide an update on the number of schools enrolled on the Apprenticeship Levy.
- (12) That Public Health undertake research and benchmark with other Authorities in relation to the Car Free Streets Scheme and provide a report outlining the advantages and disadvantages to a future meeting of the Working Group.

- (13) That a further report to review the data and progress made in relation to Mental Health needs and support for children and young people, be submitted to the Children and Young Peoples Scrutiny Committee in 12 months and included in the Annual Scrutiny Programme for the 2023/24 municipal year.
- (14) That the Acting Director of Public Health and Wellbeing provide a briefing note on the services commissioned and provided by Cranstoun.

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48. **Questions from Members to the Chair under (Council Procedure Rule 11.8)**

No questions had been received.

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The meeting ended at 8.15pm

CHAIR



## **Minutes of the Climate Change and Environment Scrutiny Committee**

**Wednesday 21<sup>st</sup> December, 2022 at 6.00 pm  
in the Council Chamber at the Council House, Priory Road,  
Dudley**

### **Present:**

Councillor P Dobb (Vice-Chair in the Chair)  
Councillors C Bayton, K Casey, R Collins, J Elliott, J Foster, S Henley, M Rogers  
and T Russon

### **Dudley MBC Officers:**

A Vaughan (Interim Director of Public Realm), P Parker (Head of Communications and Public Affairs), J Deakin (Waste Operations Manager), R Bowdler (Transport Manager), S Edwards (Project Manager) and K Taylor (Senior Democratic Services Officer)

### **Also in Attendance:**

Mr T Weller (Member of the Public by invitation)

Together with 2 members of the public.

### **15 Ben Corfield – son of Councillor D Corfield**

The Committee observed a minute of silence in respect of the recent tragic death of Ben Corfield, son of Councillor D Corfield.

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16 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors D Corfield, C Eccles and K Shakespeare.

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17 **Declarations of Interests**

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

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18 **Minutes**

**Resolved**

That the minutes of the meeting held on 28<sup>th</sup> September, 2022 be approved as a correct record and signed.

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19 **Climate Change and Environment Engagement Feedback, Obtain Views from Scrutiny on their Priorities**

The Committee received a presentation from the Interim Director of Public Realm on the feedback from the Climate Change and Environment Engagement. The Committee were asked to consider the feedback and make comments which would be forwarded to the Cabinet Member for Waste Management and Climate Change for consideration.

In presenting the information it was reported that the 'Your Borough, Your Future' public consultation, undertaken during a five-week period between 18<sup>th</sup> October, 2022 and 18<sup>th</sup> November, 2022, sought to understand resident's views on what the Council could do and what individuals would be willing to do, to address the challenges of climate change.

The main drivers for change in Waste Management was in response to Government Legislation and Local Policies, however it was recognised that there would be challenges moving forward given the financial constraints of the Local Authority. It was noted that corporate policies had started to incorporate and reflect Dudley's commitment to the climate emergency agenda, together with strategic and operational planning with particular focus on fleet sustainability.

It was noted that 3,195 responses were received to the survey, which was considered positive and demonstrated the importance of this area and the need for change moving forward. A range of events and activities, including roadshows, community forums and visits to community groups, leisure centres, and schools had been organised and held by the Council during the consultation period.

The Interim Director of Public Realm provided an overview on the findings of the survey, with the majority of residents being supportive of the Council reviewing changes to the waste and recycling services in order to increase recycling, make savings and reduce carbon impacts. Although new services such as food waste collections were welcomed, it was noted that this would result in expenditure of up to £4million each year for the Local Authority.

Arising from the presentation, Members asked questions and made comments. Responses were provided where appropriate as follows:-

- a) The Chair suggested that marketing information would need to be targeted and informative in relation to food waste collections.
- b) Councillor C Barnett referred to the legislation in relation to food waste management in which he considered to be an important element to addressing climate change, and emphasised the responsibility of the Local Authority in this regard. The 'Your Borough, Your Future' survey was welcomed, which allowed residents the opportunity to present their views and suggestions.
- c) Councillor S Henley requested that further consideration be given to amending the opening and closing times of the household waste recycling centre to allow users to visit at varying times to help reduce air quality.

In response, the Interim Director of Public Realm advised that further consideration would be given to optimising services provided by the Council and ensuring that the most efficient route was being made available for residents.

- d) Councillor J Foster considered that the responses to the survey were disproportionate and suggested that further work was needed to ensure that effective engagement was made to those that had not responded.

The Head of Communications and Public Affairs acknowledged comments made and confirmed that a multi-channel approach had been undertaken and considered that the fluidity of the sample and response rate was good. Following a request made, the Head of Communications and Public Affairs and Interim Director of Public Realm undertook to provide a breakdown of the areas within the Borough in which respondents of the survey resided to the Committee for information.

- e) Councillor T Russon considered that the response to the consultation was positive, however emphasised the need in ensuring value of investment for the proposed all electric fleet.
- f) Councillor C Bayton highlighted the need for change in order for the Local Authority to meet forthcoming legislation requirements, and referred specifically to the challenges in relation to food waste collection in flatted estates and queried whether those particular residents had contributed towards the consultation. It was also suggested that a dedicated policy was needed to address similar areas including the appropriate receptacles needed for collections dependent on the accommodation.

The Interim Director of Public Realm acknowledged comments made and agreed that bespoke designs would be developed in a number of areas in order to provide an effective and efficient service.

In responding to the question raised by Councillor C Bayton, the Head of Communications and Public Affairs also agreed to include further information in relation to properties in his response as requested by the Committee.

- g) Councillor C Barnett suggested that the survey indicated that residents were aware of the climate change emergency, however considered that there was very little information contained on the Dudley Website that would help inform members of the public, and provide a summary of the work undertaken by the Council and future proposals.

The Head of Communications and Public Affairs acknowledged comments made and referred to discussions held with the Decarbonisation Working Group during December and confirmed that additional information for publication on the Dudley Website would be considered further.

- h) Reference was made to the UK Climate Change Risk Assessment independent review undertaken by Central Government with Dudley being assessed as zero with further action needed. Councillor C Barnett made particular reference to the improvements made by Solihull Metropolitan Borough Council and considered that the Local Authority was not moving fast enough with regard to Climate Change.

In response, the Interim Director of Public Realm assured the Committee that the Local Authority had made steps and acquired resources including the appointment of dedicated staff. It was confirmed that a new Sustainability Team would be implemented, and a recruitment process for a Climate Change Policy Manager would be undertaken. It was further noted that the Public Realm Directorate would be restructured as the Environment Directorate, and it was hoped that further resources would be identified in order to challenge further.

- i) Councillor R Collins referred specifically to a question within the consultation survey with regards to the Council providing larger bins for more materials to recycle and raised concerns of the space required for those bins, in particular in smaller or terraced properties, and requested whether commingling had been considered by the Local Authority.
- j) Councillor R Collins also suggested that residents within her Ward had been notified of the roadshows the day before the event and queried whether there would have been more attendance and participation if sufficient notice had been given.

In responding to comments made, the Interim Director of Public Realm reported on the significant response to the consultation and that commingling was a legitimate consideration for the Local Authority moving forward. It was also acknowledged that the storage of waste bins would be easier in some areas than others.

- k) Mr T Weller referred to the extensive information developed over time in relation to Climate science and raised concerns about resource completion and emphasised the need to address sustainable living.
- l) The Interim Director of Public Realm provided an overview of the process involved with Anaerobic Digesters in which the biogas produced would be generated into renewable electricity. It was noted that the nearest Anaerobic Digestion Plant was based in Kinver, Stourbridge.

- m) In responding to a question raised by Councillor J Foster in relation to Employee Engagement, the Head of Public Affairs and Communication confirmed that 8% of Council employees had responded to the consultation, recognising that a significant proportion of employees were Dudley residents. It was noted that further Employee and Elected Member engagement would be undertaken during the process.
- n) In responding to comments made, the Committee agreed to formulate a recommendation to the Cabinet Member for Waste Management and Climate Change to consider prioritising and maximising the facilities at the Roundhill Anaerobic Digestion Plant based in Gibbet Lane, Kinver for food waste for the Dudley Borough.
- o) A further report on progress made was also requested to be submitted to the Committee in six months.
- p) In responding to a question raised by Councillor J Elliott in relation to lessons learnt and participation in surveys moving forward, the Head of Public Affairs and Communications reiterated that the response to the survey was good and above expectations and confirmed that stakeholder mapping and programme of events together with a multi-channel approach had been implemented during the consultation period. The lack of notice for events and the condensed consultation period would be considered moving forward with a comprehensive process and programme developed for future engagement.

The Chair thanked officers for the information presented and work undertaken.

## **Resolved**

- (1) That the presentation on the feedback from the Climate Change and Environment Engagement be noted.
- (2) That the Head of Communications and Public Affairs and Interim Director of Public Realm be requested to provide a breakdown of location and the properties in which the respondents to the survey resided, for information.
- (3) That the Cabinet Member for Waste Management and Climate Change be recommended to consider prioritising and maximising the facilities at the Roundhill Anaerobic Digestion Plant based in Gibbet Lane, Kinver for food waste for the Dudley Borough.

- (4) That a report on progress made be submitted to the Climate Change and Environment Scrutiny Committee in six months.
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## 20 **Transport Fleet Services**

The Committee received a presentation from the Transport Manager on the Transport Fleet Services. In presenting the information it was reported that the Fleet Service was a Council wide service operated predominately from the Lister Road Depot, Dudley as a traded service.

It was noted that there were currently over 478 vehicles within Dudley Council's fleet, including refuse collection, highways and green care vehicles, with regular meetings undertaken to ensure the safe management of the vehicles, drivers and operation. The Committee were advised that the Grey Fleet utilised by Housing Maintenance Teams had been replaced with Council provided vehicles.

It was noted that the Council's overall transport costs equated to £6million, with fuel costs of £1.5million per annum, and in light of the geographical size of Dudley, the average annual mileage undertaken was 5,000 miles per annum. The Transport Manager advised that the replacement cost of the Fleet that were due by age profile up to and including 2023-24, was £11.8million for diesel, rising to £21.6million for low carbon alternative fuels, diesel and electric.

Data analysis identified a significant increase of the number of vehicles replaced since 2020, despite challenges arising from manufacturers and the Covid-19 Pandemic.

It was noted that the Lister Road Workshops currently operated from 5.30am until 6.15pm, however this would be reviewed to ascertain whether there was a demand for availability outside of core hours. The re-location of the Taxi testing operation, currently undertaken at Narrow Boat Way, would also be considered.

The challenges faced in attracting and retaining vehicle Technicians was mentioned together with the increasing costs of Fleet vehicles over the last two years. The significant increase in fuel costs and age profile of the waste collection Fleet was also referred to.

The Transport Manager advised the Committee that the Council operated specialist type vehicles and plant of which electrical versions were currently not available and that future technology, such as hydrogen, was not considered mainstream. It was emphasised that Depot and Council wide electronic infrastructure required substantial investment.

The opportunities available included the use of whole life costing to help justify a higher initial outlay on the basis of lower running costs in conjunction with the determination of Transport Services in decarbonising the Fleet. It was confirmed that 24 vehicles had been removed from the Fleet over the past four months, in conjunction with other saving initiatives within Transport, this had generated savings of £402k and reduced Carbon Dioxide emissions.

Reference was made to the draft Fleet Strategy 2022-2032, attached as Agenda Item No. 7b within the agenda, which focused primarily on supporting frontline operations in the most cost effective and environmentally considerate way. It was emphasised that safety, quality and efficiency was complimentary and led to better utilisation and associated cost reductions. Although the financial constraints of the Local Authority were acknowledged, the priority was to operate a high-quality maintenance regime whilst remaining competitive in marketplaces.

The success of the strategy would be dependent on the support and cooperation of all employees that utilised the transport services. Focus would also be given for the service to provide additional opportunities and become intelligence consultation led in relation to the procurement and modification of high-quality vehicles that met operational demands whilst achieving best value. The need for vehicle replacement parameters to be maximised in order to achieve long-term service life was also mentioned.

It was reported that spare vehicles within Public Realm would no longer be retained by the client departments and that the Transport Services function would be restructured to provide a 'fully managed' service.

The difficulties in inspecting, servicing and maintaining the diverse specialist plant and equipment within the Local Authority would require further consideration for procuring external contracts or hire where better value for money could be demonstrated.

Reference was made to the Government's announcement whereby the sale of new diesel vehicles would no longer be permitted, including new non-zero emission Light Goods Vehicles (under 3.5t) by 2030. The Local Authority declared a climate emergency in 2020 with a commitment to reach net zero emissions by 2041, and it was confirmed that the proposed Fleet Strategy established the framework for the Council to achieve a zero emissions fleet within the timescale of the period of the Strategy.

Arising from the presentation, Members asked questions and made comments. Responses were provided where appropriate as follows:-



- a) Councillor M Rogers although welcomed the presentation given, considered that the budget of £1,676,200 for vehicle maintenance and overheads did not reflect the size of the fleet and requested clarification on the number of vehicles located at the Lister Road Depot and the proposed review of future vehicle manufacturers.

In responding, the Transport Manager confirmed that the budget had been allocated reflecting the aging profile of the vehicles, and that approximately 147 vehicles were currently based at the Lister Road depot. He also confirmed that manufacturers, such as Mercedes and Dennis Eagle, were being considered in relation to 100% Battery Electric Vehicles.

- b) In responding to a question raised by Councillor M Rogers in relation to the replacement of diesel vehicles totalling £11.8m, the Transport Manager reported that currently there were no suitable alternative to an economic efficient replacement of diesel crane vehicles, however further investigation would be undertaken. It was also confirmed that there were no hybrid vehicles currently operating within the Fleet.
- c) Members were assured that whilst the safe operation of vehicles for employees, contractors, other road users and the public was maintained in order to meet statutory commitments, the purpose of the Fleet Strategy reinforced these principles.
- d) Councillor C Bayton undertook to submit detailed questions to the Transport Manager for a response, however requested clarification as to the purpose of the presentation to the Scrutiny Committee and in particular whether the Fleet Strategy had already been approved and endorsed.

In responding, the Interim Director of Public Realm clarified that the presentation had been submitted to the Scrutiny Committee to allow for discussion and comments which would be considered as part of the formal decision-making process. He commented positively on the current position of the Fleet and stated that constructive steps had been made in raising questions and the focus needed for the replacement of the Council's Fleet Vehicles. Members were assured that the replacement vehicles and systems would be adequately tested prior to formal approval and implementation.

- e) Councillor C Bayton reiterated that reports submitted for consideration by the Scrutiny Committee should clearly outline the purpose of the report and the response or observations required by Members. She also shared her disappointment that the Local Authority had not developed an overarching Climate Change and Transport Policy.
- f) In responding to a question raised by Councillor S Henley in relation to proposed savings achieved by generating waste collection into sustainable fuel which could then be utilised in the new fleet vehicles, the Transport Manager referred to the work undertaken in other Local Authorities including Manchester and Nottingham which would assist in identifying the appropriate model for Dudley. Due to the uncertainty of future usage and costings, further analysis would be undertaken utilising a whole life costing plan.
- g) Councillor C Barnett undertook to submit detailed questions to the Transport Manager for a response, however he believed that the replacement of the Fleet was driven by forthcoming legislation requirements and queried whether the Council had the determination to complete prior to the deadlines stipulated by Government. He also referred to the proposed change to an electric Fleet, and whilst it was acknowledged that the fuel generated at the electricity Waste to Power plant was not diesel, it was not considered to be net zero, and therefore queried whether reducing the mileage of vehicles was the predominant aspiration.

In responding, the Transport Manager confirmed that the main objective was the reduction in the number of fleet vehicles and further assessments undertaken in relation to the journeys undertaken with discussions needed with customers regarding future usage.

- h) Councillor C Barnett referred to the number of aging diesel fuelled taxi vehicles within Dudley, and queried whether the Local Authority had given consideration to employees commuting to the workplace, and the measures that could be introduced to alleviate the mileage used.

The Interim Director of Public Realm referred to taxi vehicles that operated within different areas and the challenges faced by the Local Authority in implementing policy in areas including identifying replacement vehicles or fuel consumption.

- i) Councillor K Casey welcomed the information presented and stated that the Local Authority should lead by example by transitioning the Fleet to electric vehicles and raised concern to the length of time taken by the Council in considering the replacement. He also suggested that additional Government Funding should be petitioned in relation to the Climate Change agenda.
- j) Reference was made to the number of fleet vehicles replaced since 2020, and in responding the Transport Manager confirmed that there were no electric vehicles purchased during this period.
- k) Councillor J Foster raised concerns of the absence of a covering report to accompany the agenda items to allow sufficient preparation time for Members to effectively scrutinise and requested that the comments made by Members at the meeting be considered and reflected in the Fleet Strategy.
- l) Following a suggestion, it was agreed that a further report be submitted to the Climate Change and Environment Scrutiny Committee at the first meeting of the next Municipal Year together with a feasibility study and programme or prior to formal approval by the Cabinet.
- m) Mr T Weller suggested that electric trams should replace buses and all metro extensions withdrawn. He also referred to the incineration undertaken at the Lister Road Depot and urged that waste should be recycled, and solar panels installed to generate electricity for usage. He recommended that Officers monitor the mileage of each vehicle per annum to allow longer life usage; that drivers be encouraged to switch off vehicles whilst stationary, and employees be inspired to cycle to their workplace to help reduce vehicle usage.

The Transport Manager expressed his thanks for the discussion undertaken and acknowledged comments made by Members, which would be considered further.

The Chair thanked the Transport Manager for the presentation given and work undertaken.

## **Resolved**

- (1) That the presentation on the Transport Fleet Services be noted.

- (2) That a further report be submitted to the Climate Change and Environment Scrutiny Committee at the first meeting of the next Municipal Year together with a feasibility study and programme or prior to formal approval by the Cabinet.
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## 21 **Public Forum**

A Cradley and Wollescote resident was in attendance and requested clarification as to whether Dudley was utilising powers awarded to Local Authorities outlined within the revised Environment Act 2021; queried whether an Environmental Policy had been implemented, and the support available to Dudley residents for the replacement of efficient boilers. He also suggested that further information was needed for residents specifying materials that could be recycled and how these should be separated when collected by refuse collectors.

In responding to a question raised, Councillor C Barnett confirmed that the Local Authority had not developed an Environment Policy.

The Chair, on behalf of the Committee, thanked the member of the public for his attendance and the questions asked.

### **Resolved**

That the Interim Director of Public Realm be requested to arrange for a written response to be provided to the member of public.

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## 22 **Action Tracker**

### **Resolved**

That the Action Tracker as outlined in the report, be noted.

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## 23 **Closing remarks of the Chair**

The Chair wished everyone a happy Christmas and thanked all those in attendance for their contributions to the meeting.

The meeting ended at 8.05pm

CHAIR

## **Minutes of the Climate Change and Environment Scrutiny Committee**

**Monday 23<sup>rd</sup> January, 2023 at 6.00 pm  
in the Council Chamber at the Council House, Priory Road,  
Dudley**

### **Present:**

Councillor D Corfield (Chair)  
Councillor P Dobb (Vice-Chair)  
Councillors C Barnett, C Bayton, K Casey, J Elliott, J Foster, S Henley, M Rogers and T Russon

### **Dudley MBC Officers:**

I Newman (Director of Finance and Legal Services), R Millard (Senior Principal Accountant), A Vaughan (Interim Director for Public Realm), G Scholes (Interim Lead for Climate Change), N McGurk (Head of Transport and Highway Services), J Deakin (Waste Operations Manager), E Bradford (Head of Neighbourhood Services), S Cooper (Head of Corporate Landlord Services), S Griffiths (Democratic Services Manager) and G Gray (Democratic Services Officer)

### **Also in Attendance:**

Mr T Weller and Mr M Richards (Member of the Public by invitation)

Together with 2 members of the public.

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## **24 Chairs Comments**

Councillor D Corfield expressed thanks for the condolences and support received by himself and his family during his recent bereavement.

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25 **Apology for Absence**

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

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26 **Substitute Members**

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

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27 **Declarations of Interests**

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

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28 **Minutes**

In referring to the minutes of the meeting held on 21<sup>st</sup> December, 2022, Councillor S Henley requested that an amendment be made to his comments under Minute no. 19(c), in that he had requested that consideration be given to amending the times of refuse waggons that were collecting household waste from residents to reduce holding up traffic, which in turn would help reduce air quality.

In referring to Minute no. 19(k) Mr T Weller requested an amendment be made regarding his concerns in relation to Climate science, in particular relating to raising resource depletion rather than resource completion, together with the reduction of fossil fuels.

Mr T Weller also referred to Minute no. 20(m) requesting that the minute be amended to advise that the Council should not have trams or busses and to utilise what was already available.

## **Resolved**

That, subject to the amendments above, the minutes of the meetings held on 21<sup>st</sup> December, 2022 be approved as a correct record and signed.

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### **29 Medium Term Financial Strategy**

A joint report of the Chief Executive, Director of Finance and Legal, Deputy Chief Executive and Interim Director of Public Realm was submitted regarding draft Medium Term Financial Strategy (MTFS) to 2025/26, with emphasis on those proposals relating to the Committee's terms of reference. Items directly relevant to this Committee were those in relation to Public Realm.

In presenting the report submitted, the Director of Finance and Legal gave an overview of the report, and in doing so, stated that the draft MTFS had been developed based on the Chancellor's Autumn Statement on 17<sup>th</sup> November, 2022, which provided the national totals with the Local Government Finance Settlement for 2023/24 confirmed on 19<sup>th</sup> December, 2022.

The Director of Finance and Legal confirmed that the Medium-Term Financial Strategy reflected the revised spending proposals and forecasts of likely resource availability identified a total service spend of £304.2m for the 2023/24 financial year, rising to £309.4m and £310.4m for the 2024/25 and 2025/26 financial years respectively. It was noted that the Local Government Finance Settlement had identified an additional £2.1m each year, with proposals being identified and incorporated within the final MTFS for consideration. The final version of the report would be considered by Cabinet in February 2023 and Full Council in March 2023.

Arising from the report, Members asked questions and made comments. Responses were provided where appropriate as follows:-

- a) Councillor J Foster noted that the MTFS would be reported to other Scrutiny Committees, however, it was considered that the information contained in the report did not contain enough information or any indication concerning what impact each item would have on Climate Change and Environment. It was therefore suggested that the Director of Finance and Legal obtain information regarding the impact on Climate Change from the Interim Lead for Climate Change for future reporting.

The Director of Finance and Legal acknowledged the observations made and advised that this was useful feedback for the budget next year.

- b) In referring to paragraph 55 of the report submitted, Councillor C Barnett raised concerns regarding the information in relation to Energy from Waste. It was considered that the information had the potential to be confusing or misunderstood with the impacts on the Energy to Waste facility or that they did not deliver on Net Zero targets.
- c) In responding to comments made by Councillor C Bayton in that the MTFS report did not specify what budget had been allocated to Climate Change and Environment and that further detail was needed highlighting what elements of the budget should be considered by the Climate Change and Environment Committee, the Director of Finance and Legal advised that further information would be ascertained and incorporated into the final report.

## **Resolved**

That, subject to comments made above, the proposals for the Medium Term Financial Strategy to 2025/26, as set out in the report and Appendices to the report submitted, be noted.

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## 30 **Carbon Reduction Plan**

The Committee received a presentation from the Interim Lead for Climate Change on the Carbon Reduction Plan. In presenting the information it was reported that the Climate Plan Scorecards had been assessed and scored by qualified Climate Emergency UK volunteers, and that the Council's Climate Plans and any related documentation after 2015 and before 20<sup>th</sup> September, 2021 had been assessed and scored as part of the Climate Change Action Scorecards.

The presentation showed that Dudley had scored zero points in the assessment, which had been mainly due to the Council not having any published plans or plans in place that did not qualify between 2015 and 20<sup>th</sup> September, 2021. It was advised that although progress had been made, further work was needed.



The Interim Lead for Climate Change provided statistical information regarding the breakdown of Dudley Emissions per sector and information concerning the Mitigation rates of CO<sub>2</sub> from energy. It was noted that although Dudley were behind on the Mitigation rate, officers were confident that Dudley would be able to improve to stay within the recommended carbon budget.

Further consideration would be given to the methodology of the seven sections including Building and Heating, Transport, Governance and Finance, Planning, Biodiversity, Collaboration and Engagement.

It was considered that in comparison with the other Council's, Dudley was deemed to be mid-range and that plans for over half of the Council's in the Country had not been established or that the information used on their activity had been taken from 2019.

It was reported that CLS Consultancy on behalf of Dudley MBC had carried out a baseline assessment of the corporate estates and that work was being undertaken to review eleven corporate buildings, which gave scope for insulation and fabric improvements. The baseline assessment would give the Council aspirations for the next 5 years and provided concepts for decarbonising corporate buildings. It was advised that the work undertaken had been completed in September and would be reflected into the wider Carbon Reduction Plan.

An internal working group to drive forward behavioural change had held their first meeting in August and that it was considered important to reflect the work undertaken by this group into the wider plan on Carbon Reduction.

The Interim Lead for Climate Change reported that an assessment regarding the commercial benefit of Solar Photovoltaic Panels had been carried out in October, 2022 and it had been noted that solar economics on solar panels were more favourable.

It was advised that work was ongoing in relation to the development of the Dudley Carbon Reduction Plan, including a review on commissioning and consultants during February, 2023 for the Wider Borough Plan to support the aspirations of the West Midlands. A complete plan and list of actions where funding was needed would be issued and funding opportunities would be explored. The final draft Carbon Reduction Plan, incorporating engagement and consultation outcomes, would be submitted to Cabinet in September, 2023.

A priority action plan had been set out to include baseline data from CLS Consultancy who identified an invest to save scheme that could be set up. It was advised that all opportunities to introduce renewable energy needed to be considered including further work on the waste plant and local regeneration.

The Interim Lead for Climate Change commented that the decarbonisation programme would need to be carried out throughout the Dudley Borough and that work was needed to promote behavioural change for local people and internally at the Council. The Cabinet Member for Waste Management and Climate Change expressed his interest in engaging champions from each Directorate.

In referring to the Planning Policy, the Interim Lead for Climate Change advised that opportunities were being explored on how to achieve Net Zero including introducing carbon offset funding, which permitted planners to request for an offset payment per tonne from developers should their developments not reach the Net Zero target.

The Chair requested that a further update report be provided in six months including statistical information in relation to Low Carbon.

Arising from the presentation, Members asked questions and made comments. Responses were provided where appropriate as follows:-

- a) In referring to the Climate Plan Scorecards, Councillor C Bayton expressed her disappointment that Dudley's Climate Plan Scorecard was zero and stated that working alongside the seven neighbouring Boroughs in the West Midlands would need to be explored to achieve better outcomes.
- b) In responding to questions raised by Councillor C Bayton regarding the publication of the next set of Climate Plan Scorecards and how likely Dudley would improve their score, the Interim Lead for Climate Change advised that the next published scorecards would be in six years' time and that information regarding work being undertaken from now would be accumulated, and reflected in the next Climate Plan Scorecard.
- c) Councillor C Bayton also commented that with reference to the Dudley Emissions breakdown, it was noted that the 5% focussed on the public sector would not make an impact and that she would like to see further progress made in this area.

- d) In responding to questions raised by Councillor C Bayton and clarification sought in relation to Corporate Estates funding to decarbonisation, the Interim Lead for Climate Change advised that funding would take time to come through and that business plans would need to be put forward to obtain future funding.
- e) Councillor C Bayton commented that there had been missed opportunities in the construction of the new Duncan Edwards Leisure Centre and that running costs may cause problems in the long run.
- f) In referring to the Climate Plan Scorecards, Councillor C Barnett expressed his disappointment of Dudley's Climate Plan Score being zero and queried as to when the Carbon Reduction Plan would be published and whether the Plan would provide further detailed information.

Councillor C Barnett also questioned when the publicity campaign would be undertaken and commented that residents needed to be on board and engaged for the Plan to be beneficial.

In response the Interim Lead for Climate Change advised that there were a considerable number of actions being undertaken, which would elevate the Climate Plan Scorecard for Dudley, however, an evidence base was needed to be established. It was advised that the Cabinet Member for Waste Management and Climate Change had a greater involvement and that the priority actions were to consult with residents throughout the Summer and that the draft Carbon Reduction Plan be implemented by September 2023.

- g) In responding to a question raised from Councillor C Barnett regarding information on the carbon offset payments, the Interim Lead for Climate Change advised that the target of Net Zero by 2041 was Borough wide and that behavioural changes and external consultants would help achieve this. It was advised that the introduction of carbon offset funding would permit planners to request for an offset payment of £95 per tonne from developers should their developments not reach the Net Zero target.

The Interim Director of Public Realm commented that although the Climate Plan Scorecard was at zero, lessons had been learnt and that time had been spent during the Summer and Autumn months in managing to close the gap on funding.

Councillor C Barnett stated that he hoped that there would be an improvement on the Scorecards and that Dudley should strive for more ambition. Councillor C Barnett was of the view that the carbon offset payments would not be beneficial and that should a Developer be unable to achieve the Net Zero position then the development should not go ahead.

- h) In referring to the Dudley Emissions breakdown by sector, Councillor T Russon referred to the 33% produced by the Transport sector and indicated that an infrastructure was needed to achieve Net Zero. It was also commented that there were few Electric Vehicle charging points situated around the Borough.
- i) In response to questions raised by Councillor T Russon regarding what plans were in place to investigate moving away from natural gas on domestic properties and alternative fuels, the Interim Lead for Climate Change advised that there were timescales in place by 2030 to include Hydrogen as part of the renewable mix, however, this would be considered in the future. It was advised that technology would need to be implemented to carry out any strategy going forward.
- j) The Chair stated that a by-product of any smelting carried out produced Hydrogen and that alternative fuels would be a significant item to consider.
- k) The Cabinet Member for Waste Management and Climate Change advised the Committee that technology needed to be implemented, which was restricting progress. It was noted that plug in hybrid cars were now self-charging and that the earlier hybrid cars were using chargers where they could use petrol which would impact those with an electric car. It was acknowledged that there was a need to find people with the relevant skill set and to engage manufacturers locally.
- l) In response to a question raised by Councillor K Casey concerning the lack of comparative information with immediate neighbouring Councils with regard to the information presented on the Climate Plan Scorecard, the Interim Lead for Climate Change advised that information of the neighbouring Boroughs Climate Plan Scorecard could be obtained and circulated to Members.

- m) Councillor K Casey raised questions regarding work force planning, what measures were needed to attract people into jobs and whether behavioural change could be achieved with each section. The Interim Lead for Climate Change advised that there was a structure and plan in place to build on, and it was recognised that work force planning required the right technology and skill sets in place. Further work was also required in relation to appropriate training to ensure all Directorates were informed.
- n) Councillor J Foster commented that any changes needed to be driven by hearts and minds and considered that it was important for people to understand how much Climate Change was a priority as some people did not believe that Climate Change was a problem. It was considered that the commitment to Climate Change should feature when considering any future recruitment, promotions or appraisals. Councillor J Foster also commented that further work was needed to be undertaken at Senior Management level to drive home the message to people.
- o) The Chair referred to the number of measures undertaken in response to the 2020 Climate Emergency, including the appointment of the Interim Lead for Climate Change, which was a positive undertaking and Officers were continuing to work to provide information.
- p) The Cabinet Member for Waste Management and Climate Change clarified that Officers were undertaking a significant amount of work and Officers with the enthusiasm towards Climate Change would be engaged to become champions. It was advised that once these Officers were in place, they would be able to provide the Scrutiny Committee with further information of the work undertaken, however, it was anticipated that this would take time to implement.
- q) Mr T Weller made comments and was of the view that there was no sense of urgency of Officers and should demonstrate their commitment towards Climate Change and that with regards to the Carbon Reduction Plan everything must be reduced. In view of this it was considered that the Council had not got the basics right by placing trains back on trainlines. It was also suggested that solar panels should be installed on all buildings.

## **Resolved**

- (1) That the presentation on the Carbon Reduction Plan be noted.

- (2) That a further update and information including statistical information in relation to Low Carbon be submitted to the Climate Change and Environment Scrutiny Committee within the next six months.
  - (3) That the Interim Lead for Climate Change be requested to provide comparative information of the neighbouring Boroughs in relation to the Climate Plan Scorecard and circulate to Members.
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## 31 **Corporate Estates**

The Committee received a presentation from the Head of Corporate Landlord Services in relation to the Corporate Estates Strategy. In presenting the information it was reported that there was an existing Estates Strategy in place, which was continually being evolved; that the Council held various properties for different reasons; a regular process to review, report and confirm if individual properties were fit for their intended purpose were carried out, providing clear objectives for properties and being clear on the reasons why the Council held onto and discarded properties accordingly.

The Head of Corporate Landlord Services provided an overview of the mainstream of existing buildings and the reasons they were retained, together with an overview of office sites with leases, structural issues and annual running costs. It was advised that the totals spend for offices totalled under £3million, which was due to rise by 12%.

Information was provided at the meeting regarding developing the new strategy between 2023 and 2028, which involved three phases of work. Phase one included, agreement as to which sites would be in or out of scope, collation of high-level data, and seeking agreement from informal Cabinet on assets to be retained, taking into consideration many factors.

Phase two of the works involved an assessment of the findings from the external property report, detailing site by site assessments of those sites remaining in scope from Phase one and recommendations on retained office need including desk numbers and occupancy proposals. It was advised that work had been undertaken in buildings on possible location areas for employees.

Phase three involved the implementation phase and assigning a programme manager to oversee various projects and delivery of the plan. It was noted that some projects would be more complex than others and that the work undertaken in offices and relocating people were being considered.

Arising from the presentation, Members asked questions and made comments. Responses were provided where appropriate as follows:-

- a) In responding to questions raised by Councillor C Barnett concerning how far employees and the public would need to travel to a Council building should buildings be removed and raised concerns of the potential increase in traffic congestions, the Head of Corporate Landlord Services acknowledged that this would be a factor to consider going forward and that there had been a significant cultural change in working patterns and consideration would need to be given for the possibility of employees to utilise assets near to where they live.
- b) Councillor T Russon commented that hot desking would be practical and suggested the possibility of employees working outside regular Core hours. The Head of Corporate Landlord Services agreed that working patterns should be reviewed and the strategy was an opportunity to change current working arrangements.

## **Resolved**

That the presentation on the Corporate Estates Strategy be noted.

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### **32 Progress Update on the trial of the use of pesticides and maintaining the Borough's Green Spaces**

A report of the Interim Director of Public Realm was submitted regarding a progress report on the trial of the use of pesticides and maintenance of the Boroughs Green Spaces.

The Head of Neighbourhood Services outlined the report submitted and in doing so advised that the Council, alongside many other authorities, used Glyphosate as a non-selective chemical to manage weeds throughout the Borough. Following a report submitted to the Housing and Public Realm Scrutiny Committee in September, 2021 alternative treatments such as Katoun Gold, Chikara, foam stream, strimming, weed rippers, hoe and hand weed and flame guns were considered to be used to reduce and/or eradicate the use of Glyphosate.

It was reported that during 2022, the Grounds Maintenance Team carried out trials on alternatives to the use of Glyphosate at four locations across the Borough. Reference was made to Appendix 1 of the report submitted demonstrating before and after photographs of areas where alternative methods had been carried out.

The Head of Neighbourhood Services advised that public feedback was received and that 359 weed related enquiries were received between 1<sup>st</sup> April and 31<sup>st</sup> October, 2022. It was noted that 14 enquires related to roads within areas where weed control trials were being carried out, and 16 formal complaints in relation to weeds were received, 7 of which related to the practice of weed spraying.

It was considered that the trial had been successful and whilst the Council safely uses Glyphosate, Officers were aware that there was a view that the authority should look to move away from its use. It was advised that it would not be possible to use non-Glyphosate Katoun Gold or Chikara for the management of hard surfaces and highways.

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

- a) In responding to questions raised by Councillor M Rogers regarding what vehicles were required to transport equipment for the use of foam stream and whether a quad could be used as an alternative, the Head of Neighbourhood Services clarified that the equipment would be transported on a 3.5 tonne vehicle and that the equipment needed would be too large to fit on a quad vehicle.
- b) Councillor M Rogers considered that the report did not identify the costings for labour and acknowledged that two operatives were dedicated to undertake foam stream and queried whether the cost of labouring could be a solution to carry out alternatives.

In response the Head of Neighbourhood Services clarified that all work carried out for weeding was laborious, therefore, the budget would continue to be used for labour and that two people were needed to carry out works.

- c) Councillor M Rogers queried the amount of visits undertaken by the Grounds Maintenance Team to administer the pesticides at the locations across the Borough. The Head of Neighbourhood Services confirmed that in order to have the most effective impact, two visits were required, and that some methods worked better when weeds were visible and was weather dependent. It was confirmed that Chikara and Katoun Gold were used initially followed by a second treatment of Katoun Gold.



- d) Councillor C Eccles commented that the Royal Society for the Protection of Birds had labelled pesticides as dangerous to wildlife and that it was considered that Glyphosate could be a possible carcinogen. It was suggested that mechanical weeding should be considered to be used before the use of pesticides to maintain weeding and that comparison costs for undertaking work manually should be collated. It was considered that there had been no discussions or community involvement to help maintain the Boroughs green spaces and that residents had made a number of complaints regarding the brown stains created by the use of pesticides.
- e) Councillor C Eccles further considered that there had been no ambition or attitude to move away from the use of Glyphosate, and referred to previous concerns raised at the Housing and Public Realm Scrutiny in 2021. Councillor C Eccles suggested reports had not covered the possibility of the use of planting or building wildflower meadows, which would save on mowing.

In response, the Head of Neighbourhood Services advised that wildflower meadows and mowing were separate and that the Grounds Maintenance Team carried out mowing dependent on the weather. It was acknowledged that the use of pesticides needed to be reviewed and that thousands of sites were being reviewed with a view to using alternative techniques to move away from pesticides.

- f) Councillor C Eccles suggested that the Cabinet Member for Highways and Public Realm be consulted to review the use of shrub beds in the Borough and further work undertaken on street cleansing. It was reported that residents had requested to plant, however, had been informed that there was no budget to carry this work out.

The Head of Neighbourhood Services acknowledged the comments made and undertook to liaise with the Cabinet Member for Highways and Public Realm. It was reported that the Green Care section was currently going through a restructure and a review was being undertaken on working practices.

- g) Councillor T Russon commented on the staining on the pathways and the road after the use of pesticides and enquired as to the cost to seal edges to stop weeds growing out.

In responding to comments and queries raised the Head of Neighbourhood Services clarified that sweeping was carried out where weeds can grow, that weeds were treated accordingly, however would be still present, therefore, a follow up sweep was undertaken. It was advised that sealing up edges would be a difficult task to do.

- h) Councillor J Foster suggested that alternative ways to reduce the use of pesticides be reviewed, and requested that the Cabinet Member for Highways and Public Realm explore the costing of planting wildflowers.

In response the Head for Neighbourhood Services confirmed that weed control on hard surfaces would still be needed and would look at and tackle wildflower planting. It was acknowledged that there were benefits to planting, however, what type, where to plant and finding the right products would need to be considered.

- i) Mr M Richards considered that there was evidence that the use of Glyphosate could not be used safely and that although the report had advised that Officers used pesticides in line with regulations, reports had been published to advise that Chikara and Katoun Gold had both been described as hazardous.
- j) In responding to a number of questions raised by Councillor C Barnett, the Head of Neighbourhood Services clarified that weeds maintenance was undertaken by Council employees and the structure was currently being reviewed. It was stated that the work had to be balanced due to the varying season and that there was a need to get the right people in the right place at the right time. It was advised that should there be an investment towards wildflowers, there would need to be an understanding of the suitability of where the wildflowers could be planted. It was acknowledged that other methods of weeding would need to be reviewed, however, this would be a challenge to undertake.
- k) In referring to the recommendations set out in the report submitted, Councillor M Rogers stated that he did not agree to the recommendation in regards to the use of non-Glyphosate, Katoun Gold and Chikara due to this being considered as a herbicide and pesticide, which would wipe out insect life and in turn would invalidate the recommendation of planting wild flowers.

## **Resolved**

- (1) That the report on the Progress update on the trial of the use of pesticides and maintaining the Boroughs Green Spaces be noted.
  - (2) That the Cabinet Member of Highways and Public Realm, in view of the Scrutiny Committee comments as set out above, considers the use of alternative methods in place of non-Glyphosate, Katoun Gold/Chikara, for managing grass edges and obstacles and shrub beds as part of future annual weed control programmes.
  - (3) That a review of shrub beds undertaken by Officers to determine their current condition and appropriateness during 2023/24, be supported.
  - (4) That the Cabinet Member for Highways and Public Realm be recommended to consider commissioning a detailed review of where foam stream could be used effectively and including a review of sweeping schedules across the borough.
  - (5) That the Cabinet Member for Highways and Public Realm, in consultation with the Head of Neighbourhood Services, be recommended to explore costings in relation to the planting of wildflowers.
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### **33 Public Forum**

A member of the public was in attendance and requested that climate change should be considered in relation to domestic property insulation; referred to an insect crisis and the significant impact this would have on the environment. He also considered that substantial progress had been made by the Church of England in relation to the environment and climate change in comparison to the Local Authority.

Mr M Richards raised concerns that public transport was not referenced in the Transport Policy but predominantly related to fleet transport.

Another member of the public welcomed the report and was encouraged by the useful comments made by Members concerning the Carbon Reduction Plan, the speed of plans and need of greater ambition. It was suggested that further information should be provided to residents in relation to insulation and retrofit grants, and that consideration be given to any support that could be given in applying for grants.

The member of public further suggested that Officers and Council employees undertake a carbon literacy test.

Mr T Weller commented on the Carbon Reduction Plan and in doing so advised that the Council urgently needed to protect and enhance nature by biodiversity.

In tribute to Councillor D Corfield's son, Ben Corfield, Mr T Weller had created a woodland area dedicated to him and was known as the Ben Corfield Lorry Park Woodland area at Frankly.

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34 **Action Tracker**

**Resolved**

That the Action Tracker as outlined in the report, be noted.

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35 **Questions Under Council Procedure Rule 11.8**

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

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The meeting ended at 8.10pm

CHAIR

**Minutes of the Future Council Scrutiny Committee  
Wednesday, 23<sup>rd</sup> November, 2022 at 6.00 pm  
In Committee Room 2, The Council House, Priory Road, Dudley**

**Present:**

Councillor E Lawrence (Chair)  
Councillor A Davies (Vice-Chair)  
Councillors S Ali, H Bills, R Collins, T Creed, P Dobb, J Foster, M Howard, I Kettle, A Lees, T Russon and P Sahota.

**Officers:**

L Fulci (Director of Digital, Customer and Commercial Services), N Biddle (Head of Digital and Customer Services), G Aulakh (Head of Technology Systems and Services), S Cooper (Head of Corporate Landlord Services), H Coldicott (Team Manager – Facilities Management), H Martin (Director of Regeneration and Enterprise) and K Taylor (Senior Democratic Services Officer).

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**24 Apologies for Absence**

Apologies for absence were received on behalf of Councillors C Barnett and K Shakespeare.

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**25 Appointment of Substitute Members**

It was noted that Councillors H Bills and R Collins had been appointed as substitute Members for Councillors C Barnett and K Shakespeare, respectively, for this meeting of the Committee only.

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26 **Declarations of Interest**

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

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27 **Minutes**

**Resolved**

That the minutes of the meeting held on 12<sup>th</sup> October, 2022 be approved as a correct record and signed.

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28 **Public Forum**

No issues were raised under this agenda item.

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29 **Digital and Technology Services Update**

A report of the Director of Digital, Customer and Commercial Services was submitted on an update on ongoing and planned developments relating to Digital and Technology Services.

In presenting the report submitted, the Director of Digital, Customer and Commercial Services referred to the Digital and Technology governance model implemented in October, 2021 including the establishment of the Councillor Digital Forum, Digital and Technology Working Group and a Digital Board.

Reference was made to the accessibility and storage of personal and sensitive data of members of the public by the Local Authority and the need to be more vigilant in areas relating to cyber security. It was noted that a dedicated officer had been appointed and was working alongside the Head of Technology Systems and Services in mitigating against any potential cyber-attacks.

Members were advised that the restructure of the ICT Team had now been completed, where staff had been fully engaged and supported during the process, with no compulsory redundancies being required.

Reference was made to the procurement of a new digital platform for the development of a simple and easy to use online tool for members of the public in order to deliver an improved and accessible service.

It was noted that five digital and technology business cases would be submitted to the Cabinet for consideration including replacement of core infrastructure to store the council data centre and an upgrade to enhanced Microsoft E5 licences providing additional cyber security improvements and facilities such as collaboration tools to enable hybrid working.

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

- a) Councillor H Bills referred to the significant costs associated with the upgrade to Microsoft E5 Licences and questioned whether these had been forecasted within the proposed Budget.

Whilst acknowledging the costs involved, the Director of Digital, Customer and Commercial Services confirmed that this could be alleviated against savings that could be achieved from the decommissioning of some services. The Head of Technology Systems and Services also referred to a presentation he had produced providing further information which could be shared with the Committee for information.

- b) The Chair referred to the potential security threats to systems and information held by the Local Authority and reiterated that although an upgrade to E5 licences was expensive, this outweighed the significant implications as a result of a cyber-attack including temporary loss of access to files or networks or corruption to online services and applications.

In responding, the Head of Technology Systems and Services commented on the work required to ensure that the Local Authority met the criteria needed for insurance coverage for cyber risks.

- c) The Head of Digital and Customer Services confirmed that processes were being created specifically for residents and users with consideration being given to appropriate language and terminology. The proposed system would enable a singular account, with one password, and allow residents to process online payments and report any issues or complaints. Automatic escalations would be implemented to monitor progress made to queries, together with mechanisms to open conversations with residents which would prevent any unnecessary delays. Members were assured that the new system would be in addition to existing services including telephone and face-to-face conversations at Dudley Council Plus.
- d) Arising from concerns raised by Councillor T Creed in relation to staff turnover and the implications this had on progress made to queries that had been raised, the Head of Digital and Customer Services confirmed that the new platform would remove single dependency and all queries would be automatically forwarded to a dedicated team. It was noted that although this feature would improve response times, further work was needed to improve staff behaviours to ensure that priority was being given to responding to complaints and queries to both residents and Councillors.
- e) In responding to a question raised by Councillor T Russon in relation to reporting software and whether Councillor End input could be facilitated to assist Member case work, the Head of Digital and Customer Services confirmed that providers were currently being reviewed to identify whether this could be achieved.
- f) It was noted that external enquiries including those made via telephone and face to face would be automatically entered into the same electronic system for responding.
- g) With regard to additional security for Elected Members electronic devices, the Head of Technology Systems and Services confirmed that Councillors Accounts operated within a separate domain to employees, and that the upgrade to E5 licences would amalgamate all accounts to one domain. Bitlocker encryption and Microsoft defender software had been deployed to all laptops and would be extended to Members once the upgrade had been completed, to enable better access and protection outside of the Council's network.



- h) Councillor I Kettle shared his concerns and experiences of the significant delays by the ICT Team in responding to requests and queries.

In responding, the Director of Digital, Customer and Commercial Services acknowledged the comments made, however she referred to the significant improvement made within a short period of time to performance targets in relation to response times since the Head of Digital and Customer Services had commenced her role within the Local Authority.

- i) Councillor I Kettle referred to the lack of detailed information in relation to the number of employees affected by the restructure of the ICT Team and allocated budget within the report submitted. He also considered that in order to improve existing processes, priority should be given to the allocation of funding and should be referenced within the MediumTerm Financial Strategy accordingly.

The Director of Digital, Customer and Commercial Services undertook to provide further information in relation to budgets and the restructure of the ICT Team for information.

- j) The need to simplify systems and processes for users was emphasised, and in responding to a question raised, the Head of Technology Systems and Services confirmed that Microsoft E5 licences allowed users to identify when officers were available to be contacted.
- k) It was confirmed that existing equipment or hardware would not be replaced following the proposed licence upgrade.
- l) Councillor P Sahota welcomed the report submitted and expressed his appreciation to officers in addressing and moving forward with this area of work. In referring to the restructure of the ICT Team, he questioned whether staff surveys had been undertaken which could be utilised as a baseline for future monitoring and assessment.
- m) Councillor P Sahota also suggested that following implementation of new processes, revised Key Performance Indicator's should be benchmarked moving forward.

- n) Councillor P Sahota referred to his varied experiences in receiving responses to queries raised via Councillor Contact which further highlighted the need for improvements and also queried whether the new digital platform could also be utilised by Members.

In responding, the Director of Digital, Customer and Commercial Services welcomed and acknowledged all comments made and reiterated that responses to complaints were improving with 72% being responded to within 20 days, and also confirmed that further work would be undertaken to improve Councillor Contact.

- o) In responding to Councillor T Russon's suggestion of using Microsoft Teams for external calls following the upgrade to E5 licenses, the Head of Technology Systems and Services confirmed that a phased approach would be undertaken within the enhancement and that option appraisals would be undertaken at that phase to identify services and trends available.
- p) Councillor H Bills commented positively on the Councillor Contact facility accessed via the Dudley Website and considered that all Members should be provided with demonstrations on how to operate the service effectively. She also suggested that the "Dudley App" should be promoted more widely.
- q) The Chair considered that by developing technology, this could significantly improve recruitment opportunities by offering an enhanced employment package for prospective applicants for Dudley.
- r) Reference was made in relation to the proposed Digital Platform project and reassurance was sought that the product identified was appropriate for Dudley.

In responding, the Head of Digital and Customer Services referred to the tendering process undertaken which included technical dialogue and a request for previous Local Authority experience as desirable. It was considered that the dialogue used initiated a number of comprehensive bids and Members were assured that extensive research had been undertaken and specific questions had been asked to the prospective suppliers as to how they could deliver facilities that were not currently provided by the Council.

- s) It was noted that members from the Councillor Forum would be invited to view the proposed product and platform prior to approval.

- t) Councillor I Kettle suggested that all staff should be encouraged to report any technology issues they had experienced.
- u) Councillor S Ali welcomed measures identified in safeguarding cyber security and suggested that Councillor Contact be streamlined and modelled on a case worker basis to ensure that all queries were responded to promptly by Officers, to enable Members to undertake their role efficiently and effectively.
- v) Councillor S Ali referred to the customer experience in operating and accessing the Dudley website and in doing so sought clarification as to whether engagement would be undertaken with residents and members of the public in relation to the proposed digital platform.

In responding, the Head of Digital and Customer Services confirmed that the Web Team had relocated to Dudley Council Plus where they were able to witness and gather an overview of queries raised including both face to face and via telephone. This provided the opportunity to develop the specific criteria needed to ensure that the platform was fit for purpose. It was noted that the successful supplier would be requested to review the demographics within the Borough and seek representations from a variety of groups including Resident Groups. The Committee were informed that members of the public would be invited to test the facility prior to implementation at places including Citizens Advice Bureau and Libraries.

## **Resolved**

- (1) That the update on the ongoing and planned developments relating to Digital and Technology Services, as summarised in paragraph 2 of the report submitted, be noted.
- (2) That the Head of Technology Systems and Services be requested to provide detailed information in relation to the financial costs associated with the proposed upgrade to Microsoft E5 Licences to the Committee for information.
- (3) That the Director of Digital, Customer and Commercial Services be requested to provide further information in relation to budgets and the restructure of the ICT Team to the Committee for information.

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## 30 **Update on the Council House Refurbishment Presentation**

The Head of Corporate Landlord Services gave a detailed presentation updating Members on the refurbishment of the Council House.

In presenting key information, the Head of Corporate Landlord Services provided a summary of the main points suggested by the Committee at the meeting in March, 2022. Following further investigation, it was noted that the disabled parking spaces situated on Priory Road, Dudley were located 50 yards from the disabled access on the lower ground of the Council House with appropriate signage. It was confirmed that the layout of the Members Car Park had been reviewed and reconfigured with three dedicated disabled parking spaces allocated. The Committee was assured that appropriate advice and consideration had been given to the proposals made in relation to Equality and Accessibility by representatives of Access in Dudley and the Local Authorities Equality Officer.

It was confirmed that the proposals to include a new accessible passenger lift from the Members Car park in order to access the ground and first floor levels and the public gallery, together with new platform lifts to the curved stairs from the basement to the first floor of the Council House, would not be included due to insufficient funding. However, allowances had been made to improve the existing lift.

Maps identifying proposed access improvements throughout the Council House was displayed at the meeting.

The Team Manager – Facilities Management informed Members that the major elements of disrepair including the roof had been addressed through a phased approach and was in progress. It was noted that a new air source heat pump, funded by the Public Sector Decarbonisation Grants, had been installed alongside Asbestos removal from ducts and progress made in relation to installation of energy saving Light Emitting Diode (LED) lighting across the campus.

Developing work on key functional areas had commenced with consideration on improving security and controlling access to the building, however it was recognised that the Council House should remain open and welcoming to the public. The constraints associated with the Grade 2 Building Status was mentioned however the introduction of automatic barriers and gates was considered appropriate.

A programme of timeframes was outlined with the roof expected to be completed by May 2023 with all phases expected to be completed by Spring 2024. It was noted that phase one of the programme would be undertaken during January and April, 2023, and it was expected that there would be some disruption during this period as the Council House would remain open.

An update on the budget was outlined recognising the Council's current financial position and savings achieved through Grant funded work. The budget was being closely monitored to ensure that the programme did not escalate above the allocated spend.

The Committee were informed of the points for consideration during the refurbishment including the movement of staff and their equipment taking into account the change in working styles, use of desk space and the use of Members car park for access by builders.

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

- a) In responding to a question raised by the Chair in relation to the communications work in the Council Chamber and Committee Rooms 1 and 2, it was confirmed that a budget of £130,000 had been allocated and assurance was given that the work would be implemented and completed by April, 2023. The Director of Digital, Customer and Commercial Services also reported that independent advice would be sought in relation to Acoustics.
- b) Councillor I Kettle requested that further consideration be given to the allocation of a small number of car parking spaces in the Members Car Park for larger sized vehicles.
- c) In responding to comments made by Councillor H Bills, the Head of Corporate Landlord Services confirmed that motion lighting would be installed in all locations where possible.
- d) Councillor H Bills suggested that the term 'Disabled' be replaced with 'Disability'.

- e) Councillor P Sahota referred to the potential risks to budgets and timelines as a result of external factors including inflation costs, and sought reassurance as to whether the Local Authority had taken those into account and was confident in completing the programme agreed.

In responding, the Head of Corporate Landlord Services assured Members that the Design Team involved had experience in dealing with complicated projects and that contingency plans had been incorporated. He referred to the programme being delivered in a phased approach which could be amended, withdrawn and considered by Full Council at any point if the project was no longer deemed achievable. It was confirmed that expenditure would continually be monitored and that the tendering process for phase two would not be undertaken until Phase one had completed.

- f) In responding to a question raised by Councillor T Russon, the Team Manager – Facilities Management undertook to provide further information and cost savings following the installation of LED lighting.
- g) In responding to comments made by Members, further consideration would be given to the installation of Electric Vehicle Charging Points within the Members Car Park, including those allocated for disability parking.
- h) Reference was made as to whether solar powered panels had been considered as part of the roof repairs, however as the roof was 60% completed, it was anticipated that these would not have been considered feasible for the Council House Building. It was confirmed however that they had been installed on the new Duncan Edwards Leisure Centre.
- i) Councillor S Ali emphasised the need to preserve historical furniture throughout the building and that the facilities and rooms available at the Council House, including the Council Chamber, should be promoted to the wider population and schools.

## **Resolved**

- (1) That the information contained within the presentation on the refurbishment of the Council House, be noted.
- (2) That the Head of Corporate Landlord Services consider the comments and suggestions made by the Committee, as outlined above.

- (3) That the Team Manager – Facilities Management be requested to provide further information and cost savings in relation to the installation of LED lighting.
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31 **Future Council Scrutiny Progress Tracker and Future Business**

**Resolved**

That the Future Council Scrutiny Progress Tracker and Future Business, as outlined in the report, be noted.

The meeting ended at 7.40pm

CHAIR

**Minutes of the Future Council Scrutiny Committee  
Wednesday, 18<sup>th</sup> January, 2023 at 6.00 pm  
In Committee Room 2, The Council House, Priory Road, Dudley**

**Present:**

Councillor E Lawrence (Chair)  
Councillor A Davies (Vice-Chair)  
Councillors S Ali, C Barnett, P Dobb, J Foster, M Howard, I Kettle, A Lees, A Millward, M Rogers, T Russon and P Sahota.

**Officers:**

B Heran (Deputy Chief Executive – via Microsoft Teams), I Newman (Director of Finance and Legal), I Grosvenor (Finance Manager), H Martin (Director of Regeneration and Enterprise), S Connelly (Head of Culture, Leisure and Bereavement Services, S Gay (Leisure Services Manager) and K Taylor (Senior Democratic Services Officer).

**Also in Attendance:**

Councillor S Phipps (former Cabinet Member for Regeneration and Enterprise)  
Councillor D Stanley (Cabinet Member for Regeneration and Enterprise).

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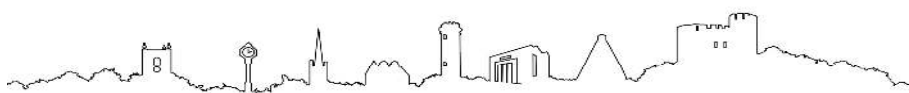
**32 Apologies for Absence**

Apologies for absence were received on behalf of Councillors T Creed and K Shakespeare.

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**33 Appointment of Substitute Members**

It was noted that Councillors M Rogers and A Millward had been appointed as substitute Members for Councillors T Creed and K Shakespeare, respectively, for this meeting of the Committee only.





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34 **Declarations of Interest**

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

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35 **Minutes**

**Resolved**

That the minutes of the meeting held on 23<sup>rd</sup> November, 2022 be approved as a correct record and signed.

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36 **Public Forum**

No issues were raised under this agenda item.

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37 **Medium Term Financial Strategy**

A joint report of the Chief Executive, Deputy Chief Executive and Directors of Finance and Legal, Digital, Commercial and Customer Services and Regeneration and Enterprise was submitted on the draft Medium Term Financial Strategy (MTFS) to 2025/26, with emphasis on those proposals relating to the Committee's terms of reference. Items directly relevant to this Committee were those in relation to the Chief Executive, Finance and Legal, Digital, Commercial and Customer Services and Regeneration and Enterprise. The final version of the report would be considered by Cabinet in February 2023 and Full Council in March 2023.

In presenting the report submitted, the Director of Finance and Legal gave an overview of the report, and in doing so, stated that the draft MTFS had been developed based on the Chancellor's Autumn Statement on 17<sup>th</sup> November, 2022, with the Local Government Finance Settlement for 2023/24 confirmed on 19<sup>th</sup> December, 2022.

The Director of Finance and Legal confirmed that the Medium-Term Financial Strategy reflecting the revised spending proposals and forecasts of likely resource availability identified a total service spend of £304.2m for the 2023/24 financial year, rising to £309.4m and £310.4m for the 2024/25 and 2025/26 financial years respectively. It was noted that the Local Government Finance Settlement had identified an additional £2.1m each year, with proposals being identified and incorporated within the final MTFS for consideration.

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

- a) In responding to a question raised by Councillor M Rogers on the proposed savings within the Public Realm Directorate in relation to the Stores Review and Trade Waste – Round Optimisation, the Finance Manager confirmed that the Council was focussed on maximising vehicle assets and a further assessment would be undertaken of the future sustainability of in-house stores.
- b) In responding to a further question raised by Councillor S Ali in relation to the proposed Stores Review, it was confirmed that the review would include a number of elements with emphasis in relation to vehicle parts and improved procedures for orders and invoicing. It was acknowledged that whilst a net financial gain was beneficial, the review provided the opportunity to review goods and services more widely and ensure best value for money.
- c) Councillor P Sahota welcomed the summary of the MTFS presented, however expressed concern in relation to the number of risks and assumptions associated within the MTFS, and the lack of flexibility for amendments to the budget approved for the 2024/25 and 2025/26 financial years. There was also some apprehension in committing to energy prices for a three-year period given the uncertainty of wholesale prices.

In responding, the Director of Finance and Legal indicated that the report had been based on information prior to receiving the Local Government Settlement, and that there was opportunity for Elected Members to provide their input and suggestions prior to final approval. Although it was recognised that there were a number of assumptions, the Local Authority was required to set out future year forecasts. The wholesale price for electricity was expected to decrease by Summer, 2023, however, there remained some uncertainty in relation to the level of future Government support. Any underspend in proposed spendings would be reflected as a saving for that financial year and rolled-forward to the next year.

- d) The Director of Finance and Legal acknowledged the number of risks and uncertainty contained within the report submitted recognising the extremely complex current economic environment.
- e) Councillor P Sahota referred to the proposed savings resulting from the withdrawal of support for existing (and prospective) community groups/centres totalling £80,000. The Director of Finance and Legal confirmed that there was some flexibility set within the budget should Scrutiny Committees recommend the removal of the proposed saving.
- f) It was noted that the figures identified within the additional spending and savings tables as outlined in Appendices C and D to the report submitted, were categorised cumulatively rather than incrementally.
- g) In responding to a question raised by Councillor P Sahota in relation to the loss of income within the future regeneration proposal, the Director of Regeneration and Enterprise confirmed that the loss of income related specifically to the car park and rental income associated with the regeneration project located at Tower Street, Dudley.
- h) Councillor A Davies referred to the additional contribution to ongoing Communication and Public Affairs service pressures with reduced ongoing resource for Forging the Future now that it had been implemented. He emphasised the need to support and champion small businesses and sought clarification as the reasons why support had been allocated to this area for the 2023/24 financial years totalling £20,000 and not future years.

In responding, the Director of Finance and Legal, in conjunction with the Director of Regeneration and Enterprise, undertook to provide a written response.

- i) In responding to a further question by Councillor A Davies, the Director of Finance and Legal confirmed that the role of the Internal Communications and Engagement Officer primarily focussed on communications with employees including Human Resources matters and development work.
- j) Councillor J Foster considered that more equality impact assessments should have been undertaken whilst preparing the MTFS and requested further information on the spending increase in relation to the Strategic Contingency Fund within the Chief Executive's Directorate.

In responding, the Director of Finance and Legal referred to the work undertaken to triage MTFS proposals in order to identify those requiring an equality impact assessment. It was agreed that the triage list could be shared with the Committee for information.

The Deputy Chief Executive confirmed that Strategic Contingency Fund was a financial reserve specifically for minor one-off projects including civic events and activities and undertook to provide a written response outlining the former expenditure of the Fund and anticipated costs for future events.

- k) Councillor J Foster suggested that the additional savings table should reflect the categories identified within the additional spending information submitted. In responding, the Director of Finance and Legal referred to the recommendation of the External Auditors to include additional categories in relation to additional spending and it was considered that those categories did not apply in the same way to savings.
- l) Councillor S Ali referred to the significant financial pressures within the Dedicated Schools Grant and continuing forecasted deficit each year and sought clarification as to whether a recovery plan had been introduced in order to mitigate the pressures.

In responding, the Director of Finance and Legal confirmed that a Financial Recovery Plan had been developed, in consultation with external consultants, Newton Europe, and acknowledged that the deficit had grown each year. Although a plan had been implemented, it was recognised that the impact would be gradual. It was confirmed that the Government Regulation in ensuring that the pressure did not impact the General Fund would continue for a further three years.

- m) Councillor S Ali suggested that the Financial Recovery Plan should be shared with Members for information.
- n) In responding to a request by Councillor S Ali, the Director of Finance and Legal undertook to ascertain further information in relation to the proposals included in the one-off spending plans totalling £2.3m for the 2023/24 financial year within the Public Health Grant funded budget.
- o) Councillor C Barnett referred to the proposed reduction of Customer Service Advisors at Dudley Council Plus within the Digital, Commercial and Customer Services Directorate. In responding, the Finance Manager advised Members of the number of vacancies within the department currently and that a factor for the reduction corresponded with the investment to the digitalisation of services and customer self-serve.

## **Resolved**

- (1) That, subject to comments made above, the proposals for the Medium Term Financial Strategy to 2025/26, as set out in the report and Appendices to the report submitted, be noted.
- (2) That the Director of Finance and Legal, in conjunction with the Director of Regeneration and Enterprise, be requested to provide a written response in relation to Forging the Future to the Committee for information.
- (3) That the Director of Finance and Legal be requested to provide the triage list utilised during the MTFS process to the Committee for information.
- (4) That the Deputy Chief Executive be requested to provide supplementary information in relation to the Strategic Contingency Fund to the Committee for information.
- (5) That the Director of Finance and Legal refer the request for further information in relation to the proposals included in the one-off spending plans totalling £2.3m for the 2023/24 financial year within the Public Health Grant funded budget, to the Director of Public Health and Wellbeing for a response to be circulated to the Committee.

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

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39 **Exclusion of the Public and Press**

**Resolved**

That the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information, as defined under paragraphs 2 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

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40 **Call-In of Decision Sheet – The Closure of the Café at The Crystal Leisure Centre, Stourbridge**

A report of the Monitoring Officer was submitted to respond to the call-in of the decision of the Cabinet Member for Regeneration and Enterprise concerning the closure of the Café at The Crystal Leisure Centre, Stourbridge. The decision had been called-in at the request of five Members of the Future Council Scrutiny Committee in accordance with the Scrutiny Committee Procedure Rules, as set out in the Council's Constitution. A copy of the exempt decision sheet relating to this item was circulated, together with the procedure to be followed at the meeting, as outlined by the Chair.

It was noted that Councillor S Phipps was the Cabinet Member for Regeneration and Enterprise on the date that the decision was taken. Councillor D Stanley was subsequently appointed as the Cabinet Member for Regeneration and Enterprise effective from 28<sup>th</sup> December, 2022. Both the former and the existing Cabinet Member had been invited to the meeting and would be invited to comment on matters leading to and at the time of decision making, and any issues raised by the Committee concerning the future of the service.

The Chair then invited Councillor S Phipps, former Cabinet Member for Regeneration and Enterprise, the Director of Regeneration and Enterprise and the Head of Culture, Leisure and Bereavement Services to make representations concerning the decision.

Arising from the representations made, Members made the following comments and raised questions, which were responded to at the meeting:

- a) The number of significant repairs required at the Leisure Centre and the reasons why the café had not been considered under phase one of the refurbishment project.
- b) Children's activity parties would continue, allowing users to bring their own refreshments, which was welcomed.
- c) Lack of evidence in relation to full options appraisals that could be explored, and market tested.
- d) Future consideration would be needed as to whether cafes were required in Leisure Centres.
- e) Some Members considered that the decision should be referred back to the Cabinet Member for Regeneration and Enterprise for further consideration taking into account the concerns raised during the meeting.
- f) The possibility of sourcing partnerships or sole trader enterprises in order to provide refreshments with peppercorn rent rates.
- g) It was evident that the café had been making a financial loss for a number of years, and queries as to why this had not been addressed previously.
- h) Lack of public consultation with service users.
- i) Whether additional time should be granted to enable the new Manager and staff to establish the facility, with appropriate advertising.
- j) The need to maintain the segregated area for visitors to the Leisure Centre.
- k) The possibility of updating the current vending machines to encourage purchases.

Following all questions and contributions, the Chair asked for any final statements before the Committee proceeded to consider the matter.

### **Resolved**

That the Future Council Scrutiny Committee recommends that no objection be raised to the decision in which case no further action is necessary and that the decision of the Cabinet Member for Regeneration and Enterprise be implemented with immediate effect.

The meeting ended at 7.50pm

CHAIR

FC/56

## **Minutes of the Health and Adult Social Care Scrutiny Committee**

**Monday 14<sup>th</sup> November, 2022 at 6.00 pm**  
**In the Council Chamber at the Council House, Priory Road,**  
**Dudley**

### **Present:**

Councillor M Rogers (Chair)  
Councillor P Atkins (Vice-Chair)  
Councillors R Ahmed, R Collins, T Crumpton, M Hanif, L Johnson, P Lowe, M Qari, K Razzaq and D Stanley; J Griffiths – Health Watch Dudley (Co-opted Member)

### **Dudley MBC Officers:**

M Abuaffan (Acting Director of Public Health and Wellbeing), M Spittle (Head of Access and Prevention), N Boerm-Hammond (Call Centre Manager) and H Mills – Senior Democratic Services Officer.

### **Also in attendance:**

Councillor I Bevan (Cabinet Member for Public Health and Wellbeing)  
Councillor N Neale (Cabinet Member for Adult Social Care)  
P Kingston – Independent Chair (Safeguarding) (Agenda item no. 6)  
N Bucktin - Black Country Integrated Commissioning Board  
S Cartwright and H Codd - Dudley Integrated Health and Care  
C Masikane - Black Country Healthcare NHS Foundation Trust

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## **29 Declaration of Interests**



Councillor P Lowe declared a non-pecuniary interest in relation to agenda item no. 7 – Progress update on the development of the Black Country Integrated Care System (ICS) and Dudley's Integrated Health and Care Model, in view of his employment as National Officer for Managers in Partnership (Unison).

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30 **Minutes**

**Resolved**

That the minutes from the meetings held on 8<sup>th</sup> September and 10<sup>th</sup> October, 2022, be agreed as a correct record and signed.

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31 **Public Forum**

No issues were raised under this agenda item.

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32 **Annual Adult Safeguarding Report and Deprivation of Liberty Safeguards (DoLS)**

A report of the Director of Adult Social Care was submitted on the Annual Adult Safeguarding report and Deprivation of Liberty Safeguards (DoLS).

The Independent Chair (Safeguarding) was in attendance at the meeting and referred Members to paragraphs of specific importance within the Dudley Safeguarding Adults Board Annual Report 2021/22.

The Committee were advised that the structure of Dudley Safeguarding People Partnership (DSPP) had been modified to strengthen links between the Executive, sub-groups and wider partnerships, to ensure effective working and to provide a consistent approach to safeguarding.

The Annual Report highlighted that it had been a busy year with a total of 6156 referrals received, which was a 16.3% increase from the previous year. Reference was made to the abuse category breakdown, which highlighted that the category with the highest proportion of enquiries received were in relation to neglect and acts of omission, which was also reflected nationally. An increase in self-neglect referrals had been recorded, which was considered to be the most difficult category area to deal with, due to the skilled complexity and time required.

The priorities for the forthcoming years were outlined which would focus on neglect, exploitation and preventing harm across the life course.

In referring to Deprivation of Liberty Safeguards (DoLS) it was reported that legislation was still awaited from Central Government with regard to the introduction of Liberty Protection Safeguards, and implementation had continued to be delayed. The DSPP continued to hold regular multi-agency task and finish groups to ensure all were prepared and well equipped ready for when the change would occur, which was now anticipated for 2023.

The Independent Chair (Safeguarding) commented positively on the training and education office at Dudley MBC and the exceptional training offer available.

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

- (a) Councillor P Lowe commended officers for the exceptional report, which demonstrated the outstanding work taking place.

In referring to the ongoing delay in relation to the Deprivation of Liberty Protection Safeguards legislation, concerns were reiterated with regard to the robustness of the Local Authority and the significant resources that would be required to implement the new legislation, in a service area that was already overstretched and under resourced. In considering the increase in the number of neglect and self-neglect abuse cases, whilst this had been impacted upon by Covid, it was considered this may also be a shift from early intervention and cases were now being raised at an intense level. It was considered clear throughout the report austerity had impacted upon safeguarding concerns.

Councillor P Lowe suggested that a recommendation on behalf the Scrutiny Committee be submitted to the Cabinet in that irrespective of budget issues and pressures, Safeguarding be immune from additional resource cuts and measures be taken to look at how to enhance and positively address areas of neglect, to ensure that the service was fit for purpose.

Ongoing updates about the impact of Safeguarding in Dudley Borough were requested, with particular emphasis on how areas of neglect would be addressed moving forward.

- (b) In response to a question from Councillor T Crumpton, the Independent Chair (Safeguarding) provided clarification on the meaning of the term 'Conversion Rate'. It was stated that each concern reported was triaged to establish if they classified for safeguarding intervention, and the conversion rate was the percentage of those concerns that required safeguarding attention.
- (c) Councillor Crumpton expressed concern in relation to the lack of individual support and care provided to vulnerable hospitalised patients, particularly those diagnosed with Alzheimer's and Dementia, which was not included in the Annual Safeguarding report and questioned how the Local Authority and Elected Members could work with health providers to improve this service. In response, the Independent Chair (Safeguarding) recognised that there was a delay in discharges, however this was not covered by the Care Act or included in the Adult Safeguarding remit. However, should a patient in hospital be identified as being a victim of neglect or self-neglect, intervention from the Directorate of Adult Social Care would be appropriate.

Councillor P Atkins considered Dementia Care to be a high concern and commented on the exceptional ward at Russells Hall Hospital that provided outstanding care and support to dementia patients.

- (d) In response to a further question raised by Councillor T Crumpton in relation to the reasoning behind the increase in enquiries, the Independent Chair (Safeguarding) stated that public awareness on safeguarding had significantly increased and procedures on how to report a concern had been actively promoted, particularly during the peak of Covid-19, when posters and information were displayed throughout vaccination centres. Collaboratively working with partners had ensured better data analysis and helped to make individuals feel safer and made a real impact within the community.

The Independent Chair (Safeguarding) advised Members of the Scrutiny Committee, that the Board had been asked to produce a short podcast on Safeguarding and welcomed any comments or thoughts on how safeguarding could be further promoted.

- (e) In responding to a question raised by Councillor R Ahmed in relation to what the current priorities for the winter were, the Independent Chair (Safeguarding) confirmed that priorities had not changed. It was advised that a 2-hour cost of living crisis and safeguarding seminar had been scheduled for 8<sup>th</sup> November, 2022, however, due to the poor uptake of attendance, this had subsequently been cancelled. It was anticipated that a similar seminar would be arranged in the future, as it was important to recognise that safeguarding issues were arising as a result of the cost of living crisis.

The Acting Director of Public Health and Wellbeing, confirmed that Public Health had dedicated £500,000 towards tackling austerity in the Borough. It was stated that the Household Support Fund had developed a public website, which was needs assessed, to help address the impact of poverty.

- (f) In responding a question raised by Councillor M Hanif, the Independent Chair (Safeguarding) confirmed that implementation of Deprivation Liberty Protection Safeguards legislation had been expected 2 years ago, however Deprivation of Liberty Safeguards (DoLS) had continued in the meantime. Work was ongoing with all agencies to ensure that all partners were prepared as possible for when the change did occur.

## **Resolved**

- (1) That the report on Dudley Safeguarding Adults Board's Annual Report for 2021/22, be received and noted.
- (2) That the Cabinet be recommended to refrain from making any additional resource cuts in relation to Safeguarding, irrespective of budgetary issues and pressures, and that consideration be given as to how to enhance and positively address areas of neglect, to ensure that the service was fit for purpose.
- (3) That the Independent Chair (Safeguarding) and Director of Adult Social Care be requested to continue to update the Committee on the level of safeguarding demand and performance of the Directorate.

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33 **Progress update on the development of the Black Country Integrated Care System (ICS) and Dudley's Integrated Health and Care Model**

A joint report of the Dudley Managing Director, Black Country Integrated Care Board and the Acting Director of Public Health and Wellbeing, was submitted to provide the Scrutiny Committee with a progress update on the development of the Black Country Integrated Care System (ICS), which included the Black Country Integrated Care Board (ICB) and the Development of Dudley's Integrated Health and Care Model.

The Dudley Managing Director, Black Country Integrated Care Board presented the report and in doing so briefly outlined the background in relation to the establishment of the ICS, which was composed of two bodies, namely the ICB and the Black Country Integrated Care Partnership (ICP). It was stated that the ICB was responsible for day-to-day NHS issues and was currently reviewing the local governance arrangements, where as the ICP addressed the wider health, public health and social care needs of the system.

In referring to Dudley's Integrated Health and Care Model, it was reported that Capgemini had provided support with the development of an agreed integrated model. A set of four workstreams had now been agreed and the work would be overseen by an implementation group.

Arising from the presentation and in response to questions raised by Councillor P Atkins in relation to whether there was a robust plan in place to review all commissioning contracts to ensure best value was being achieved, the Dudley Managing Director confirmed that all contracts would be reviewed to ensure that they were fit for purpose and that new legislation and regulations were anticipated, which would allow for different procurement options in the future.

Arising from discussions, Members were of the view that the significant changes in the care system impacted upon the role of a Councillor, in particular with regards to funding, health and local authority long-term issues and requested that further details be provided so that Elected Members were better informed to enable effective scrutiny. Further information and clarity was also requested on the specific role of a Councillor and the Scrutiny Committee in relation to the ICB and ICP, in particular how all parties could be involved to ensure Dudley's priorities would be incorporated. It was considered vital that Dudley was well represented and played an active role to provide transparency and a democratic input, so that regular feedback could be provided to the Health and Adult Social Care Scrutiny Committee.

The Dudley Managing Director stated that he could make representations to the Board on behalf of the Committee, and that work continued with the Better Care Fund to develop new services to alleviate pressures in other service areas. Particular focus would be on health inequalities, with additional resources being made available for all four Black Country Authorities. A further report on health inequalities would be provided to a future meeting of the Scrutiny Committee.

At this juncture, Councillor N Neale, Cabinet Member for Adult Social Care referred to a request that had previously been made at an informal meeting of the Cabinet to the ICB, in relation to the possibility for either the Chair of the Health and Adult Social Care Scrutiny Committee, the Chair of the Health and Wellbeing Board or herself as Cabinet Member for Adult Social Care, to be invited as a Board Member on the ICP or to attend future meetings for transparency, to which she had been advised that the composition and representation on the Board would be reviewed in April 2023.

The Dudley Managing Director suggested that Brendan Clifford be invited to attend a future meeting of the Scrutiny Committee to discuss the composition of the ICS and the role of the Scrutiny Committee and Councillors. The Director of Strategy, People and Partnership also agreed to feedback the comments of the Scrutiny Committee to the ICB on how Members could be actively involved. Members were advised that meetings of the ICB were held in the public domain and all were welcome to attend. It was reported that Local Authorities were represented on the ICB, with the current membership being the Chief Executives from Walsall MBC and the City of Wolverhampton.

Concerns were raised with regards to the two local authority representatives appointed, both of which were from Local Authority's that had different revenue streams to that of Dudley, and therefore the need for a representative from Dudley to be in attendance at those meetings was considered very much necessary.

At this juncture, representatives from Dudley Integrated Healthcare Trust (DIHC) provided an update on the relocation of High Oak Surgery, in particular referred to the public conversation that was currently live and which would conclude on 5<sup>th</sup> December, 2022. It was noted that following conclusion of the Public Conversation a further meeting of the Health and Adult Social Care Scrutiny Committee would be arranged for early January 2023, and assurance was provided that the Committees views would be taken into consideration, in addition to the public conversation data analysis report.

The Committee were advised that as part of the public conversation, public meetings within the local area had been arranged, together with drop-in sessions to assist any resident with the completion of the survey documentation.

Councillor I Bevan, Cabinet Member for Public Health and Wellbeing also provided an update, and in doing expressed concern in relation to the format of the survey which was not considered accessible to all residents and which was also longwinded. Concerns were also raised in that there were only two viable options now under consideration, both of which were for services to be retained at Brierley Hill Health and Social Care Centre, when there had originally been four options submitted to the Health and Adult Social Care Scrutiny Committee.

Councillor I Bevan stated that local residents were unhappy with the proposals, and considered that the proposed options did nothing to address inequality or health needs in an existing deprived area.

In response, the DIHC advised that copies of the survey were also available in large print, easy reading or audio and that the Trust was also working collaboratively with Healthwatch Dudley and had arranged specific drop-in sessions for young people and for patients with a registered learning disability at High Oak.

Councillor T Crumpton concurred with the concerns expressed by the Cabinet Member for Public Health and Wellbeing, in particular that as the area was one of the most deprived in the Borough, viable options for the Pensnett Community were not being considered. As a General Practitioner (GP) surgery was required in that area, the removal of this facility would further exacerbate health inequalities. It was suggested that health providers and public health should work collaboratively to look at an integrated way to ensure the health needs of the community were a priority.

Councillor R Collins commented on the inadequate transport network operated between Pensnett and the Brierley Hill Health and Social Care Centre and the difficulties residents encountered, which had resulted in them attending A&E at Russells Hall Hospital, rather than travelling to Brierley Hill Health and Social Care Centre to receive care.

The Director of Strategy, People and Partnership provided assurance that all comments were listened to and had been noted.

## **Resolved**

- (1) That the position in relation to the development of the Black Country Integrated Care System, including the integrated care board and the development of Dudley's Integrated Health and Care Model, be noted.
  - (2) That the Dudley Managing Director - Black Country Integrated Care Board, be requested to provide a further report on the significant changes in the care system and the impact this had on the role of a Councillor and provide further clarity on the specific role of a Councillor and the Scrutiny Committee in relation to the ICB and ICP, in particular how all parties could be involved to ensure Dudley's priorities would be incorporated.
  - (3) The Dudley Managing Director be requested to invite Brendan Clifford to attend a future meeting of the Scrutiny Committee to discuss the composition of the ICS and the role of the Scrutiny Committee and Councillors.
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## 34 **Impact of the Dudley Telecare Digital Strategy**

A report of the Director of Adult Social Care was submitted in relation to the implementation and impact of the digital strategy and the progress of the Telecare Service Review.

The Head of Access and Prevention and the Assistant Care Co-ordinator was in attendance at the meeting and gave a detailed presentation on the progress against key deliverables as set out in the Digital Strategy 2021-2026; how the Telecare service had been rebranded with an updated logo, information guide and updated webpage; provided headline figures in relation to the number of direct calls taken, the number of individual alarm calls answered, the number of new installs and the number of non-injured fallers that had been supported to prevent an ambulance from attending. The measures taken to educate staff and stakeholders were outlined, together with the new initiatives implemented to support the community and provide a full response.

The ways in which the telecare service supported the wider health and social care system were highlighted and it was emphasised that should the service not be in operation, West Midlands Ambulance Service would be under increasingly more pressure than it already was. The risks from the switchover from analogue to digital were outlined, together with the charging model and future developments for the service.

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

- (a) In responding to a question raised by Councillor P Atkins with regard to the time taken to answer a call, it was reported that 99% of calls were answered within 1 minute, however exact data would be provided following the meeting.
- (b) The Scrutiny Committee were advised that the exceptional work of the team had been recognised as they had been awarded the Gold award for Telecare Services.
- (c) In response to a further question raised by Councillor P Atkins in relation to the 751 non injured fallers, it was confirmed that those patients had been treated/responded to without the need for an ambulance to attend.

- (d) Councillor P Lowe commended the exceptional service that helped keep residents living independently and the need to celebrate the successes and actively promote the service to residents in particular to Carers within the Borough. The costs for the service, in comparison to care fees was considered reasonable, particular with the exceptional service that was provided, however it was recognised that the costs would need to increase to ensure that the service was self-financing.
- (e) Councillor T Crumpton supported the positive comments and recommended that a small information pack be made available to elected Members, providing an overview of the service, that they could share and promote to residents.
- (f) Members suggested that an introduction to the service should be provided as part of the induction training and a letter from the Scrutiny Committee be sent to the Telecare Services Team expressing their thanks and recognising the exemplary work that they achieve.
- (g) In response to a question raised by Councillor P Atkins in relation to how telecare interacted with hospital discharge teams and health providers/trusts, the Cabinet Member for Adult Social Care commented that the Team had previously attended discharge meetings, however this was discontinued during Covid. The Service did provide an awareness slide to trust assessors to raise awareness of the telecare service that was available, which could support a patient upon their return home.

In discussing ways in how to promote the service, Members were of the view that measures should be taken to ensure that the service was built into the standard discharge assessment and that every effort should be made to promote the success of the service.

## **Resolved**

- (1) That the impact of the digital strategy and digital offer be noted and appraised by Members.
- (2) That the awareness and impact of the analogue to digital switch cover be noted.

- (3) That data in relation to how quick calls were responded/ answered be circulated to the Scrutiny Committee following the meeting.
- (4) That a letter on behalf of the Scrutiny Committee be sent to the Telecare Services team expressing their thanks for their exemplary service.
- (5) Consideration be given to the development of an information pack/booklet for Elected Members and that information on the service be included as part of the induction training for Elected Members.

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35 **Action Tracker and Future Business**

**Resolved**

That the Action Tracker and Future business, be noted.

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The meeting ended at 8.00 pm

CHAIR

## **Minutes of the Health and Adult Social Care Scrutiny Committee**

**Tuesday 10<sup>th</sup> January, 2023 at 6.00 pm**  
**At St James's Methodist Church, High Street, Pensnett**

### **Present:**

Councillor M Rogers (Chair)  
Councillor P Atkins (Vice-Chair)  
Councillors R Ahmed, R Collins, A Davies, J Foster, S Greenaway, M Hanif, A Hopwood, P Lowe and M Qari; J Griffiths – Health Watch Dudley (Co-opted Member)

### **Dudley MBC Officers:**

M Abuaffan (Acting Director of Public Health and Wellbeing), J Vaughan (Head of Assessment and Independence) and H Mills – Senior Democratic Services Officer.

### **Also in attendance:**

Councillor I Bevan (Cabinet Member for Public Health and Wellbeing)  
N Bucktin and L Broster - Black Country Integrated Commissioning Board  
P King, Dr Bramble, S Cartwright, H Codd, L Dunn - Dudley Integrated Health and Care Trust  
M Guest – Healthwatch Dudley

Together with 17 members of the public

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### **36 Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors T Crumpton, L Johnson and K Razzaq.

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37 **Appointment of Substitute Member**

It was reported that Councillor J Foster had been appointed to serve as a substitute for Councillor T Crumpton, for this meeting of the Scrutiny Committee only.

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38 **Declaration of Interest**

Councillor R Collins declared a non-pecuniary interest in view of her voluntary role as a Patient Safety Partner at Dudley Group NHS Russell's Hall Hospital and being a Ward Member for Brockmoor and Pensnett.

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39 **Minutes**

**Resolved**

That the minutes from the meeting held on 14<sup>th</sup> November, 2022, be agreed as a correct record and signed.

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40 **Relocation of High Oak Surgery**

The Chair, having welcomed everyone to the meeting, outlined the purpose of the scrutiny exercise and provided a background in relation to the relocation of High Oak Surgery.

A report of the Dudley Integrated Health and Care NHS Trust (DIHC) had been submitted and circulated to Members in advance of the meeting, however P King, Chief Operating Officer, DIHC, provided a verbal update on the progress made since publication of that report.

P King, Chief Operating Officer, DIHC, confirmed that the formal consultation process, namely the High Oak Surgery Public Conversation, had now concluded, and all representations submitted and received would be taken into full consideration. It was stated that it had been made evidently clear from the public conversation meetings that it was the local community's desire for a General Practitioner (GP) practise to remain in Pensnett. Information on the inequalities and health needs within the local ward areas had also been provided by the Public Health and Wellbeing Directorate and the difficulties residents had experienced in travelling to the Brierley Hill Health and Social Care Centre (BHHSCC) had been acknowledged.

In considering long-term solutions, it was emphasised that the National Health Service (NHS) did not have funds available to commission the development of a new build, however the Trust would explore the possibility of using alternative community buildings in the area that may be available and fit for purpose to provide Primary Care services. It was further commented, that whilst there was much work to be done and a business case to be considered, proactive discussions would continue with Pharmacy Galleria to consider the offer of the use of those premises and how this may work in accordance with new NHS guidance.

P King, Chief Operating Officer, DIHC, confirmed that in the short-term, General Practitioner (GP) appointments would return to Pensnett by the end of February, 2023. There were two options currently being explored as to how this service would be delivered, namely, the use of the existing High Oak Surgery building, however it was acknowledged that the portacabin required significant repair works following a water leak, or by providing a consultancy room at Pharmacy Galleria. It was emphasised however that at this stage only GP appointments would be available, where all other services would continue to be provided at BHHSCC.

P King, Chief Operating Officer, DIHC, expressed his thanks to everyone that had been involved and contributed to the public conversation and endeavoured to do what was best for the community.

S Cartwright, Director of Strategy, People and Partnerships reported on the current situation and difficulties experienced in relation to Primary Care access and referred to the need to strengthen the Primary Care Service. It was reported that new guidance from the NHS had been published, which highlighted Primary Care and improving access as a national priority focus. The new guidance allowed the opportunity for integrated working with pharmacies to improve and strengthen the Primary Care Service provided within the Community.

Representations were made by Healthwatch Dudley, who provided an overview of the views of local residents in relation to the relocation of High Oak Surgery. In doing so, it was reported that Healthwatch, as part of the Stakeholder Reference Panel, had supported DIHC in conducting a residents pre-consultation listening exercise in July 2021, which 343 responses were received. 265 of those respondents stated that they wished for the High Oak Surgery to remain in Pensnett, with good location and ease of access being the predominate reason. It was also reported that 153 respondents stated that they had experienced poor or extremely poor access to services based at BHHSCC.

It was reported that a further in-depth listening exercise was conducted in late 2021, where 12 local people, who resided in Pensnett and were likely to be most affected by the proposed changes, were contacted by telephone and asked a series of questions. The case studies of those involved were outlined, however there continued to be a strong preference for a surgery to remain in the High Oak, Pensnett area, as it formed an integral and valued part of the community.

As part of the High Oak Public Conversation, Healthwatch Dudley undertook to engage with residents with autism and/or learning disabilities, that were registered at the surgery and Dudley CVS delivered a session to engage with young people, to gather their views in relation to the proposed options.

Healthwatch Dudley's observations and recommendations of the process were outlined, which indicated that they were reassured by the level of scrutiny during the process provided by Dudley Council, Public Health, the Integrated Care Board and that the efforts made by DIHC to ensure Pensnett community's involvement in the form of public meetings, drop-in session, questionnaires and surveys, had been acknowledged.

It was recognised that there had been a low number of people responding to the Public Conversation, which was considered to be due to the Community feeling that a decision had already been made and that there was frustration that the two options presented both outlined plans for High Oak Surgery to remain at BHHSCC. It was also recognised that Pensnett was one of the most disadvantaged areas in the Dudley Borough and travelling to BHHSCC had and would continue to be difficult for those patients with low income, poor mobility and suffering with chronic health conditions, due to the poor and lack of public transport available.

Arising from a question raised by a member of the public in relation to a letter that was sent to all Pensnett residents in 2014 with regards to the proposals to develop a new GP surgery, Councillor P Lowe commented that the proposal had previously formed part of the Lift Project driven by Central Government, however funding had ceased, and proposed developments could not be progressed.

S Cartwright, Director of Strategy, People and Partnerships also commented that discussions had been held with Corporate Estate Landlords with regards to the current site, which was leased from Dudley MBC and with the Integrated Care Board, and collaboratively working would continue to address the issue and to find a suitable alternative that was fit for purpose, although it was reiterated that there were no funds available to build a new surgery.

Councillor I Bevan, Cabinet Member for Public Health and Wellbeing, expressed his thanks to local residents for their efforts and welcomed the return of GP appointments in Pensnett. It was recognised that there was a lot of work to be done within the area to address inequalities and the Scrutiny Committee was asked to give consideration as to how to proceed with the High Oak topic.

The Chief Operating Officer, DIHC, concurred with the comments made in that there was significant work to be done to address bigger issues including inequality and extended his commitment and support to address broader issues of equality.



Arising from a further question from a member of the public in relation to the lease of the current High Oak surgery site, which was due to expire in May 2025, and what the proposals would be after that period, the Chief Operating Officer, DIHC, confirmed that the Trust would proactively work with Pharmacy Galleria to consider the co-location of some services and for them to be an independent contractor, as well as continued discussions with Dudley's Corporate Landlord, with regard to proposals for the existing site.

Wards Members were then invited to make contributions and comments were made as follows:-

- Councillor R Collins welcomed the update provided by DIHC in relation to GP appointments returning to Pensnett, and thanked residents for their instrumental support. It was recognised however that there was much work still to be done to improve health inequalities within the Pensnett area and it was requested that High Oak and health inequalities remain on the Scrutiny Committees work programme moving forward.
- Councillor S Greenaway expressed her thanks to DIHC for listening to the residents and Ward Councillors in acknowledging the need for GP services to remain within the local community and also suggested that the issue remained on the Scrutiny Committee work programme for the foreseeable future.
- Councillor J Foster also expressed her thanks to DIHC for the positive update and for listening to the needs of the local community, as well as thanking the residents of Pensnett for their support and continued aspirations for the area. She also referred to the continued health inequalities within Pensnett and welcomed the ongoing discussions and negotiations with Pharmacy Galleria and Dudley Council with regards to the existing site and other possible service alternatives.

Members of the Committee were then asked to make comments, and in doing so Councillor P Lowe welcomed the progress report from DIHC and expressed thanks to the community for making their views abundantly clear to achieve the aspirations for Pensnett. The exceptional work that Healthwatch Dudley undertook within the community was referred to and the need for the community to continue to support that service was emphasised.

Councillor P Lowe also commented on the cross party working that had taken place to support the community with the campaign to keep GP services in Pensnett and recognised the significant work that would still be required to ensure an appropriate and fit for purpose health service was provided, and concurred that the topic should remain on the Scrutiny Committee's radar, with focus on areas of deprivation and health inequalities.

Whilst the comments of all local residents had been duly considered, Councillor P Atkins referred to the wider impact the relocation had to all residents of the Borough, and referred to the impact to Russells Hall Hospital from increased attendance.

The Chief Operating Officer, DIHC, outlined the process that would follow, in that all comments and feedback gathered as part of the Public Conversation would be analysed and reported to the DIHC Board meeting in February. The report would strongly recommend that some GP services returned to Pensnett community as soon as possible. It was however recognised that BHSCC would need to continue to provide services to support the GP Practice.

Following a discussion in relation to communication and how the information would be communicated to all communities, it was indicated that an announcement would be made by the end of the week following the meeting, although it was emphasised that a report would still need to be submitted to the DIHC Board for the recommendation to be agreed. It was reported that the DIHC Board meeting was open to the public and all would be welcome to attend. All communications would be conveyed and translated accordingly.

Arising from a further question raised by a Member of the public in relation to whether there was adequate staff and resources available to accommodate the proposals, the Chief Operating Officer, DIHC, stated that there was adequate staff and interviews for new GP's to work at Pensnett were already in progress.

## **Resolved**

- (1) That the report and verbal update provided at the meeting in relation to High Oak Surgery, be noted and endorsed.
- (2) That the comments made at the meeting, be submitted to DIHC and taken into consideration as part of the public conversation.

- (3) That the agenda item in relation to High Oak Surgery remain on the Scrutiny Committee's working programme, with a further update provided to the Scrutiny Committee in April, 2023.
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The meeting ended at 7.15 pm

CHAIR

## **Minutes of the Health and Adult Social Care Scrutiny Committee**

**Wednesday 25<sup>th</sup> January, 2023 at 6.00 pm**  
**In the Council Chamber, at the Council House, Priory Road,**  
**Dudley**

### **Present:**

Councillor M Rogers (Chair)  
Councillor P Atkins (Vice-Chair)  
Councillors R Ahmed, A Davies, M Hanif, A Hopwood, P Lowe, A Millward, M Qari and K Razzaq; J Griffiths – Health Watch Dudley (Co-opted Member)

### **Dudley MBC Officers:**

M Abuaffan (Acting Director of Public Health and Wellbeing), A Henry (Health and Wellbeing Policy Officer) (Directorate of Public Health and Wellbeing); J Vaughan (Head of Assessment and Independence) (Directorate of Adult Social Care); I Newman (Director of Finance and Legal) and H Mills (Senior Democratic Services Officer) (Directorate of Finance and Legal).

### **Also in attendance:**

Councillor I Bevan (Cabinet Member for Public Health and Wellbeing)  
Councillor N Neale (Cabinet Member for Adult Social Care)  
N Bucktin (Black Country Integrated Commissioning Board)  
Dr L Martin, S Cartwright, D King - Dudley Integrated Health and Care Trust

Together with 1 member of the public

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## **41 Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors R Collins and L Johnson.

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42 **Appointment of Substitute Member**

It was reported that Councillor A Millward had been appointed to serve as a substitute for Councillor R Collins, for this meeting of the Scrutiny Committee only.

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43 **Declaration of Interest**

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

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44 **Minutes**

**Resolved**

That the minutes from the meeting held on 10<sup>th</sup> January, 2023, be agreed as a correct record and signed.

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45 **Public Forum**

A representative from the Ethnic Minority Council was in attendance at the meeting and raised concern with regard to the lack of engagement with Dudley MBC since the Covid-19 Pandemic. It was reported that the Ethnic Minority Council had been intensely involved with the BAME Communities and Covid-19 Sub-Groups during the peak of the pandemic, however over the last 10-month period, engagement and co-operation had declined and it was asked how the Ethnic Minority Council could again become more involved.

In referring to Agenda item no. 7 – Update on the Health Inequalities Strategy, the member of the public commented that the Ethnic Minority Council had participated in the development of the Draft Dudley Health Inequalities Strategy, however all reference to the Ethnic Minority Council had since been removed from the document. It was their view that the Ethnic Minority Council needed to be better involved to help contribute to reducing the health inequality gaps identified within the report. It was further stated that the Ethnic Minority Council provided support to Wolverhampton City Council and Sandwell Metropolitan Borough Council, as well cultural centres and BAME groups.

The Acting Director of Public Health and Wellbeing confirmed that the Health and Wellbeing Sub-Groups referred to, had since ceased and that the Draft Dudley Health Inequalities Strategy was a system wide strategy which had evolved since the Ethnic Minority Council's involvement and had moved on to the next stage of the process.

The Acting Director of Public Health and Wellbeing and the Chief Officer Dudley Healthwatch, agreed to liaise with the member of public directly following the meeting, to identify how they could work more closely with the Ethnic Minority Council in the future.

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#### 45 **Medium Term Financial Strategy**

Members considered a joint report of the Chief Executive, Director of Finance and Legal, Acting Director of Public Health and Wellbeing, and the Director of Adult Social Care, on the draft Medium Term Financial Strategy (MTFS) to 2025/26, as approved by Cabinet on 14<sup>th</sup> December, 2022, with emphasis on those proposals relating to the Committee's terms of reference, as outlined in paragraphs 25 to 29 and appendices C and D to the report submitted.

The Director of Finance and Legal presented the report, and in doing so, commented that the draft MTFS had been developed based on the Chancellor's Autumn statement and estimations. The Local Government Finance Settlement for 2023/24, which confirmed detailed allocations for Dudley, was received on 19<sup>th</sup> December, 2022, and the revised resources would be taken into account in the final version of the report.

In referring to the table in paragraph 30 of the report submitted, in particular the Total Service Spend for respective years, it was reported that the Local Government Finance Settlement had identified an additional £2.1m for each year moving forward, which would be incorporated into the final report.

Following the presentation of the report, Members asked questions, made comments and responses were provided, where appropriate, as follows:-

- a) In responding to a question raised by Councillor M Qari with regards to how the Local Authority would reduce health inequalities in the Borough, the Acting Director of Public Health and Wellbeing commented that £100,000 proposed savings had been identified from the Public Health and Wellbeing general fund, however work would continue to develop preventative measures to reduce substance misuse and work streams that had already commenced would continue as they had been included in existing budgets. It was anticipated that implementation of a Health Inequalities Strategy would also have a positive impact on reducing health inequalities.
- b) Councillor P Lowe commented that the Equality Impact Assessment for Dudley differed from the funding that had been distributed. It was commented that although the Scrutiny Committee had challenged the level of funding allocated at previous meetings, it was considered that the MTFS report did not reflect the views of the Scrutiny Committee, in particular, in relation to the need for additional Central Government support to be provided to meet ongoing challenges, as well as the need to ensure that Safeguarding was exempt from any cuts and provided with further additional support moving forward.

It was considered that any additional funding obtained should be ringfenced to address the serious issues identified in Adult Social Care and Public Health.

It was recognised that the pressures within Adult Social Care would not demise and would only increase, and assurance was requested that any impact from Social Care Reforms at the end of the MTFS period, would be met within the available funding.

In responding, the Director of Finance and Legal reiterated that the Local Government Finance Settlement had been more positive than originally estimated. It was reported that an additional £1.9 million had been allocated to Adult Social Care to address market pressures as a result of the cost of care increases, together with £2.7 million from the market sustainability grant and £1.8 million from the Better Care Fund. The Director of Finance and Legal acknowledged that funding allocated to the service had not been explicitly clear in the report, which would be addressed in the final report.

With regard to the Social Care Reform, the Director of Finance and Legal reported that implementation had continued to be delayed, however it was recognised that this may be identified as a potential risk for the service area in the future.

- c) In referring to Appendix D, and the proposed increase of charges to private residents for Telecare Services, Councillor P Lowe requested clarification on what the proposal related to.

In responding, the Head of Assessment and Independence stated that the service had acknowledged that further investment was required, particularly with regards to the move to digital technology and also to improve their early intervention offer. Therefore the increase in charges would allow more investment and create a better service.

The Cabinet Member for Adult Social Care confirmed that the Scrutiny Committee's comments had been taken into consideration, however an increase in charges was inevitable to ensure further invest and to develop a viable self-funding service.

The specific details of the increase to private resident's charges would be provided following the meeting.

- d) The Acting Director of Public Health and Wellbeing commented that £500,000 had been assigned to help deal with poverty and austerity. Details of how the allocation would be spent, would be shared with Members following the meeting.



- e) Councillor P Lowe recognised the exceptional work that was being undertaken by Public Health to try to address health inequalities, however he did not consider that the funding allocated was sufficient to move at pace or to adequately address the issues or help develop early intervention strategies. It was considered that measures needed to be taken to ensure that funding for these services were protected and additional funding identified.

## **Resolved**

- (1) That, subject to the comments made above, the proposals for the Medium-Term Financial Strategy to 2025/26, as set out in the report and Appendices to the report submitted, be noted.
- (2) That the Acting Director of Public Health and Wellbeing provide Members with a breakdown of how the £500,000, dedicated to tackling austerity in the Borough will be expended.
- (3) That the Head of Assessment and Independence provide the proposed cost increase to users of the Telecare Service.

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### **46 Update on the Health Inequalities Strategy**

A joint report of the Acting Director of Public Health and Wellbeing and the Dudley Managing Director, Black Country Integrated Care was submitted to provide an update on the Health Inequalities Strategy and to seek support from the Scrutiny Committee on adopting a system wide approach to addressing the inequality gap in Dudley and to explore ways to increase the input of the wider system.

A detailed presentation was provided by the Acting Director of Public Health and Wellbeing, which outlined the proposals and aims of the local authority and partners from the Health and Care and voluntary sectors to reduce disparities and improve overall health and wellbeing in Dudley.

During the presentation, the Acting Director of Public Health and Wellbeing outlined the Dudley Partnership and Delivery Structure; provided a summary of the Black Country System and local Changes; referred to the wider determinants of health; and the contributory factors to length of life and quality of life. The priorities for the Borough and the Council to address wider determinants were also presented, together with a picture of the population in Dudley in terms of the percentage of residents with a long-term health condition, unemployed and living in poverty.

It was reported that several workstreams which prioritised health inequalities had been operational for a number of years, however it was recognised that the approach of these work streams needed to be reviewed.

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

- a) In referring to the content of the report submitted, Councillor P Atkins commented that whilst the report contained detailed information and statistics, there was a lack of substance with regard to the action and measures that would be taken to actively reduce inequalities.

In responding, the Acting Director of Public Health and Wellbeing commented that the Inequality Board and relevant sub-groups, once established, would work through the strategy to help shape the approach to inequalities. The report submitted provided detail on the current situation and where the local authority would want to be. It was considered that to achieve the ambitions, a collective approach was needed and collaborative working with Elected Members and partner organisations was essential to address wider determinants of health which impacted upon health inequalities.

- b) In response to a question raised by Councillor A Millward in relation to the reasoning for the establishment of the Inequality Board, when existing Board already focused on health inequalities and broader issues and the composition of the membership of the Inequalities Board, the Acting Director of Public Health and Wellbeing commented that the Inequality Board would be dedicated to focusing on reducing the inequalities gap, and would report directly and be answerable to the Dudley Health and Wellbeing Board. Governance around the composition of the Board still needed to be developed, however it was recognised that inequality was a high priority for all Health care providers.

- c) Councillor M Qari commented that the inequalities gap had worsened, particularly within BAME communities. It was considered that the draft strategy did not provide evidence that the Local Authority was undertaking its duty to reduce inequalities, and that more substance needed to be provided. It was acknowledged that workstreams used in the past had not been successful and more emphasis on what could be done differently and how this was going to be conducted using existing resources effectively, needed to be addressed. It was considered that deprivation hot spots needed to be identified so that more resources could be put into those areas in most need.

In responding, the Acting Director of Public Health and Wellbeing acknowledged that a new way of working was required, and emphasised the importance of all partners working together, with community engagement used as a driver towards behaviour change. It was recognised that it would be challenging to evidence change.

- d) In responding to a question raised by Councillor R Ahmed with regards to Dudley's representation on the Integrated Care Board, the Dudley Managing Director, Black Country Integrated Care stated that representation had been determined by the four Local Authority's, which currently consisted of two Chief Executives, namely one from Walsall MBC and one from Wolverhampton City Council. It was noted that Brendan Clifford would be attending a future meeting of the Scrutiny Committee to report on the progress of the Integrated Care Partnership (ICP).

The Cabinet Member for Public Health and Wellbeing, together with the Cabinet Member for Adult Social Care commented that membership/representation concerns on the Integrated Care Board (ICB) and ICP had previously be raised and it had been advised that this would be reviewed in April 2023.

- e) In referring to a question raised by Councillor A Davies with regard to how individuals and groups would be effectively approached, the Acting Director of Public Health and Wellbeing stated that a lot had been learned from the Covid pandemic as to how to communicate with hard-to-reach individuals. Community groups were considered most effective to relay communications to hard-to-reach individuals and the Community Development Working situated in Lye provided great insight.

- f) Councillor M Hanif reiterated the concerns in relation to the number of Boards already in place to discuss Health and Wellbeing, but with little action. In referring to the proposed engagement and action plans, it was considered that moving forward it would be useful for anticipated start and completion dates to be included, together with how and who would complete the action. Councillor M Hanif also referred to the lack of communication and engagement with Ward Councillors, in particular referring to events that had taken place within his own Ward that he had not been made aware of.

In responding, the Acting Director of Public Health and Wellbeing noted the concerns and advised that the actions plan would include timescales and Elected Members would be engaged to work collaboratively to develop the action plan. It was recognised that quick win measures could be implemented with improvements visible from 3 to 6 months, however medium and long-term solutions would take around 7 years to make a noticeable difference.

- g) Councillor P Lowe commented that the report provided background information around inequalities, however, did not resemble a strategy as there was no detail of future action and it lacked substance. It was considered that whilst Members were all committed to addressing inequalities in the Borough, more work was needed to develop the strategy before Members could fully commit. The exceptional work of the community worker in Lye was recognised, however it was considered that this support was not reflected in all communities.

In responding, the Acting Director of Public Health and Wellbeing confirmed that Members were not at this stage requested to agree the strategy, but to provide support in the approach and development.

- h) In response to a concern raised by the Chair in relation to the Violence Prevention Strategy previously presented to the Scrutiny Committee in September 2021, the Acting Director of Public Health and Wellbeing agreed to provide an update to a future meeting of the Scrutiny Committee.
- i) In considering ways on how to approach hard-to-reach individuals, Members suggested engaging with Teachers, Faith Leaders and employers to offer programs on how to change people's behaviours.

- j) Councillor I Bevan welcomed Members comments and appreciated Member's frustrations, however it was considered that the Local Authority could not buy its way out of the issues identified. Collaborative working with Elected Members and Healthcare partners was essential in changing the healthcare landscape.

### **Resolved**

- (1) That the report on adopting a system wide approach to addressing the inequality gap in Dudley, be noted.
  - (2) That a further report and action plan, taking into account all of the comments made at the meeting and outlined above, be submitted to the first meeting of the 2023/24 municipal year.
  - (3) That a progress update on the Violence Prevention Strategy, be submitted to a future meeting of the Scrutiny Committee.
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## **47 Primary Care Strategy**

Members considered a report of the Dudley Integrated Health and Care NHS Trust (DIHC), in relation to the Primary Care Strategy.

The Head of Primary Care (DIHC) was in attendance at the meeting and presented the report, providing detail in relation to the Trusts vision in providing support to enable General Practice and Primary Care Networks to offer a sustainable model of Primary Care and outlined the challenges and actions identified from implementation of the Strategy.

Arising from a question raised by Councillor P Atkins in relation to the announcement that the Integrated Care Provider contract had been stopped and how this would affect the Primary Care Strategy, it was commented that this would not impact on the work of the Strategy. Work continued to establish the best way to support the continued delivery of integrated care across Dudley, and the Committee would be updated accordingly moving forward.

### **Resolved**

That the report on the Dudley Integrated Health and Care Primary Care Strategy, be received and noted.

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48 **Quarterly Performance Report – Quarter 2 (1<sup>st</sup> July – 30<sup>th</sup> September, 2022)**

A joint report of the Director of Adult Social Care and the Acting Director of Public Health and Wellbeing was submitted on the Quarter 2 Public Health and Wellbeing and the Adult Social Care Quarterly Performance report 2022/23, covering the period 1<sup>st</sup> July to 30<sup>th</sup> September, 2022, in accordance with the new 3-year Council Plan.

**Resolved**

That the contents of the report, be noted.

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49 **Feedback from the Joint Meeting of the Children and Young People Scrutiny Committee Working Group, the Health and Adult Social Care Scrutiny Committee Working Group and the Children's Corporate Parenting Board Working Group**

A report of the Chair was submitted to provide feedback from the Joint Meeting of the Children and Young People Scrutiny Committee Working Group, the Health and Adult Social Care Scrutiny Committee Working Group and the Children's Corporate Parenting Board Working Group, held on 15<sup>th</sup> December, 2022.

**Resolved**

That the recommendations formulated at the joint meeting of the Children and Young People Scrutiny Committee Working Group, the Health and Adult Social Care Scrutiny Committee Working Group and the Children's Corporate Parenting Board Working Group, as set out in paragraphs 7, 10 and 13 of the report submitted, be noted and endorsed.

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50 **Action Tracker and Future Business**

**Resolved**

That the action tracker and future business, be noted.

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51 **Questions under Council Procedure Rule 11.8**

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

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The meeting ended at 8.15 pm

CHAIR

**Minutes of the Housing and Public Realm  
Scrutiny Committee  
17<sup>th</sup> November, 2022 at 6.00 pm  
In Committee Room 2, Council House, Dudley**

**Present:**

Councillor M Westwood (Chair)  
Councillor W Sullivan (Vice-Chair)  
Councillors M Aston, R Body, K Casey, J Clinton, R Collins, J Cowell, I Kettle,  
K Lewis, P Sahota, D Stanley and T Westwood

**Officers:**

A Vaughan – Interim Director of Public Realm, E Bradford – Head of Street,  
Green and Amenity Services, N McGurk – Head of Traffic, Transportation and  
Engineering Services (Directorate of Public Realm), K Jones – Director of  
Housing and Communities and K Malpass – Democratic Services Officer  
(Directorate of Finance and Legal).

**Also in attendance**

Councillor S Saleem – Cabinet Member for Highways and Public Realm  
One member of the public

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**25    Apology for absence**

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

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## 26 **Appointment of Substitute Member**

It was reported that Councillor R Body had been appointed as substitute Member for Councillor A Aston for this meeting of the Committee only.

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## 27 **Minutes**

Councillor D Stanley expressed dissatisfaction at officers not contacting Members when specific issues had been raised during meetings and indicated that Members concerns should be taken seriously and prompt action taken following the meeting in which the matter was raised.

### **Resolved**

That the minutes of the meeting held on 21<sup>st</sup> September, 2022 be confirmed as a correct record and signed.

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## 28 **Public Forum**

### **Affordable Housing**

A member of the public referred to the need for increased affordable housing in the Borough for those whose needs were not met by the housing market. In referring to various locations in the Borough, the definition and criteria of affordable housing and areas that had been identified for such housing were requested.

### **Black Country Cycle-Walk mud way**

The same member of the public referred to the significant improvements required to bring the Black Country Cycle-Walk mud way back into use and requested that this be considered as part of a future improvement project.

### **Resolved**

That the Director of Housing and Communities be requested to arrange for information to be circulated to the member of the public on the definition and criteria of affordable housing and areas that had been identified for such housing.

Housing Board and Dudley Federation of Tenants and Residents Association (DFTRA)

In the absence of a representative from the Housing Board, the Chair of the Committee read out the following question.

"At the meeting of the Place Scrutiny Committee held on Thursday 31st March. 2021 the following comments were made.

The Director of Housing and Community Services acknowledged concerns raised by the Committee and undertook to consider the matter further, in consultation with the representatives of the Housing Board and DFTRA with a view to bringing a report back to a future meeting of the Housing and Public Realm Scrutiny Committee Working Group.

**Resolved**

- (1) That the information contained in the report, be noted.
- (2) That, subject to the establishment of Working Groups at the first meeting of the 2021/22 municipal year, further consideration be given to the matter and to consider a recommendation to Council to appoint non-voting Co-opted Members to represent the Housing Board and Dudley Federation of Tenants and Residents Association, to comment on Housing issues only, on the Housing and Public Realm Scrutiny Committee in the 2021/22 municipal year."

It was noted that the Housing Board had not been involved in any consultation process as mentioned in the extract of the minutes above, no feedback had been provided from any meetings of the Housing and Public Realm Scrutiny Committee, whether held in private or public and it was therefore requested that an update be provided to the Housing Board on progress."

**Resolved**

That the Director of Housing and Communities be requested to arrange for feedback to be provided to the Housing Board.

## High-Rise Aerial Fund

In the absence of the Chair of the Tenants and Residents Association (TRA) of the Hill Street Three Towers, high-rise flats in Halesowen, the Chair of the Committee outlined the following question.

“In referring to the number of suggested improvement work previously requested to the Hill Street Three Towers, high-rise flats in Halesowen and the subsequent delay experienced as a result of the implications of Covid-19, it was requested that procedures for allocation of funding from the High-Rise Aerial Fund be reviewed.”

### **Resolved**

That the Director of Housing and Communities be requested to arrange for a written response to be provided to the member of public.

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## 29 **Change in Order of Business**

### **Resolved**

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

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## 30 **Public Realm – Transport and Highways Progress Report on Scrutiny Committee Work Programme**

A report of the Interim Director of Public Realm was submitted on progress on all matters associated with Transport and Highways, in particular, strategic transport and partnership working, highways maintenance, asset management and a neighbourhood approach to traffic and highways functions.

The Head of Traffic, Transportation and Engineering Services provided a presentation to Members, which was included with the agenda papers and published on the Committee Management Information System (CMIS).

During the presentation, the Head of Traffic, Transportation and Engineering Services referred to the responsibilities of the Transport Strategy Team, referring in particular to the development and project management of major regional and sub regional capital transport infrastructure projects and programmes working alongside the West

Midlands Combined Authority (WMCA). Other functions included developing a Transport Policy, participating in the West Midlands Local Transport Plan and the planning and designing of improvement and expansion of regional connectivity, encouraging economic/labour market growth through the development of major highway projects and public infrastructure improvements.

The City Regions Sustainable Transport Settlement (CRSTS) funding had been secured to support aspirations across the Brough through enhancing the transport infrastructure network, promoting cycling, walking and other sustainable modes of travel. Various schemes had been identified and funding allocated to support the projects over a period of five years were outlined in the report submitted to the meeting. It was recognised that the total cost of the schemes were likely to be in excess of the funding currently secured, however, alternative funding sources would be sought to ensure that the projects were delivered in full.

The main strategy for Dudley was set out in the Local Transport Plan (LTP), a document currently being developed at regional level with the WMCA and Transport for the West Midlands (TfWM) and was expected to be finalised by the end of 2022. Whilst it was recognised that Dudley's infrastructure network created challenges adapting to a modal shift system, the Local Authority was committed to provide brough-wide improved connectivity/accessibility through sustainable and safe infrastructure.

Whilst it was essential that a Transport Strategy was developed for the Borough, there would be implications in developing identified schemes. However, the Local Authority were committed to working alongside partner agencies across the West Midlands to provide a quality multi-model highway network in support of the climate change agenda. Support from Members was key in developing a robust strategy and consultation with Cabinet Members, Ward Members, the general public and wider stakeholders would be imbedded in the scheme development.

The differences between reactive and planned highway maintenance were referred to together with associated challenges and opportunities. Despite significant progress being made on the highway infrastructure, a new Highways Infrastructure Asset Management Plan (HIAMP) was currently being developed to identify clear investment strategy and an associated action plan that was fit for purpose, recognising future challenges, opportunities and benefits.

A key benefit of an asset management approach was to move decision making away from the imminent and the urgent to a planned regime where the needs of the asset was better understood in order that

appropriate preventative maintenance treatments could be planned within a wider whole-life approach, enabling decision to change from those based on a worst-first priority to those that deliver greater value.

The delivery of an effective highway maintenance programme must balance the need to keep the network safe and respond to the public's reasonable expectation that minor defects would quickly be made safe, against the need to preserve and improve the long-term sustainability of the network by carrying out programmed works.

Future plans associated with the HIAMP were discussed, together with the need to revise appropriate policies. Whilst it was envisaged that a new improved model was essential to deliver effective services, it was important that the model was right for Members and residents of the Borough.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- (a) In referring to Traffic Regulation Orders (TROS), Councillor D Stanley expressed concern at the lack of traffic enforcement and safety measures in the Borough. Enforcement in relation to illegal parking obstructing the highway was also referred to and the need to work collaboratively with West Midlands Police to tackle the issue. Whilst it was acknowledged that the service area required significant improvements, the Head of Traffic, Transportation and Engineering Services indicated that current processes were currently being reviewed and it was expected that improvements would be observed moving forward.
- (b) Councillor D Stanley referred to the processes/funding involved with road markings and signage in the Borough. The Head of Traffic, Transportation and Engineering Services indicated that frequent reviews and initiatives were carried out with a view to identifying improvements to maximise the services offered. Whilst challenges were being faced due to current funding constraints, it was considered essential that reviewed processes did not compromise necessary services.
- (c) In referring to the Dudley's medium-term strategy for the City Region Sustainable Transport Settlement (CRSTS), Councillor D Stanley referred to the A4123 and A461 schemes and queried strategies and whether funding had been obtained to improve the cycle and bus corridor. The Head of Traffic, Transportation and Engineering Services indicated that upgrading facilities/infrastructure for cycling,

public transport and walking was an essential part of the strategy to improvement connectively and encourage more sustainable modes of transport. The Head of Traffic, Transportation and Engineering Services indicated that a comprehensive response would be provided to Members of the Committee.

- (d) Councillor D Stanley referred to the delays experienced by programmed maintenance work due to the number of maintenance projects currently taking place in particular areas of the Borough. Consideration and collaborative work were considered essential to ensure disruption to the highway network was minimal during road maintenance/repairs. The Head of Traffic, Transportation and Engineering Services acknowledged the concerns raised and whilst statistics had highlighted no critical issues in the Borough, he advised Members to concentrate on the advantages of the current improvement initiatives, which would benefit communities within Dudley moving forward.
- (e) In referring to the budget constraints and the need to review services, Councillor D Stanley requested assurances that resurfacing of roads would be carried out on roads that had been identified for urgent maintenance. Whilst it was acknowledged that fewer roads would be resurfaced moving forward, assurances were provided that strict assessments would be carried out by the Asset Management section to review the level of work required to the highway network prior to a programme of works being developed. It was established that improved communication between officers and Members was essential for Members to understand the decisions made by officers on the highway network and would be considered moving forward.
- (f) Whilst Councillor P Sahota welcomed Dudley's five-year medium-term strategy and the major improvement schemes incorporated within the Plan, concern was raised whether the Local Authority would deliver on its priorities and whether it could demonstrate that funding was being utilised effectively. The lack of information, procedures/criteria for improvement plans provided to Members and members of the public was concerning. It was considered essential that Members were made aware of any matters affecting their wards and the proportion of funding allocated, as it was perceived, following statistical information provided, that certain wards in the Borough received favourable consideration of investment with no evidence to justify that investment. Particular reference was made to potholes identified in various wards and the inconsistencies in relation to funding made available to repair those defects throughout the Borough. A fair and consistent approach to funding and

programmed repair/maintenance work throughout the Borough was required.

The Cabinet Member for Highways and Public Realm indicated that defect repairs were assessed in line with Council guidelines, which included footfall and was carried out using a risk-based approach and not according to the ward the defect related to. The Chair indicated that despite historic perceptions, Members should focus on the improvements identified as part of the HIAMP and hold officers to account should the schemes not be delivered. Communication between officers and Members would also be improved.

- (g) Councillor I Kettle indicated that whilst work to resurface roads in the Borough was essential moving forward, he queried whether modern day tarmac was fit for purpose considering increased larger sized vehicle usage and the effects of climate change. It was also queried whether site inspectors carried out appropriate inspections to ensure that the quality of work was up to Local Authority standards and whether the correct thickness of tarmac had been used as it was considered that in some areas of the Borough, newly resurfaced roads were not adequate and did not last long resulting in funding being wasted. Members were assured that modern materials were adequate if applied properly and the life expectancy varied depending on how roads were maintained. Significant funding was required to improve the road infrastructure; however, work had commenced and funding was being allocated to priority areas.
- (h) In referring to the approach to reallocate on street parking, Councillor J Cowell indicated that whilst the approach would free up space to increase opportunities to improve the cycle and bus corridor, alternative options would need to be considered to improve parking facilities. The Head of Traffic, Transportation and Engineering Services indicated that whilst it would be challenging, improvements were essential and improvement initiatives would be considered moving forward.
- (i) In responding to a question from Councillor J Cowell, the Head of Traffic, Transportation and Engineering Services indicated that the Access Protection Marking (APM) Policy was also known as an “H bar” and was an advisory road marking. APMs were marked out with white lines and were used to identify a vehicle access and made motorists aware that the access was required at all times of the day. Members were advised that whilst APMs had no legal status, it was an offence to park across a vehicle access on the ground of obstruction.

- (j) Councillor K Casey welcomed the approach to improve the highways asset management of the highways infrastructure. It was considered essential that a neighbourhood model was developed and collaborative work with the Housing and Communities and Public Realm Directorates to avoid duplicated work.
- (k) Councillor K Casey referred to the objectives in relation to the climate commitment and the Local Authority's ambition to become carbon neutral by 2030 was considered a major challenge. Work to achieve the ambition was essential, together with the need to improve the Council's transport fleet. The lack of electric charging infrastructure was concerning which was leaving the Country unequipped to deal with demand. Collaborative working with key agencies was considered essential to delivering key aspirations.
- (l) Councillor R Body welcomed the initiatives to improve and encourage cycling in the Borough. Increased cycling was necessary in creating a sustainable Borough and meeting its key objectives. The need to change transport attitudes was required and additional cycle routes on carriageways to neighbouring towns in the Borough would encourage more people to consider cycling. The unnecessary number of speed signs on the highway network was referred to and it was considered that by reducing speed signs and erecting information to promote cycling and educate vehicle users would help encourage and change people lifestyle choices. The Head of Traffic, Transportation and Engineering Services acknowledged the comments made and indicated that the Strategy was designed to target and encourage more sustainable modes of travel, such as cycling. Options were currently being considered and whilst challenges were anticipated, assurances were provided that improvements would be observed moving forward.

## **Resolved**

- (1) That the information contained in the report and presentation submitted to the meeting be noted and the comments made above be referred back to the Service for consideration.
- (2) That the Head of Traffic, Transportation and Engineering Services be requested to provide a comprehensive response to Members of the Committee on the strategies and funding obtained to improve the cycle and bus corridor, with particular reference to the A4123 and A461 schemes.



31 Developing the Neighbourhood Approach to Delivering Services to keep Dudley Clean and Safe

Members received a presentation from the Head of Street, Green and Amenity Services providing an overview on developing the neighbourhood approach to delivering services to keep Dudley clean and safe.

The Interim Director of Public Realm and Director of Housing and Communities referred to the directorate restructure proposals, which would take effect in early 2023. The proposed restructure of the directorates would encourage partnership working and prevent duplication of services in the Community.

During the presentation, the Head of Street, Green and Amenity Services referred to key information, including what services was involved in delivering key aspirations, including the staff structure of each service.

Reference was made to the aspirations in ensuring a modern, value for money and customer-focussed service was provided for all residents that supported the Council's ambitious carbon reduction aims and working at a neighbourhood level was essential in delivering those objectives. Progress on phase one of the project to deliver key aspirations were referred to as well as future proposals. Housing and Communities and Public Realm Directorates were committed to working collaboratively to review services currently provided and agree future specifications and service delivery, taking into account customer feedback and financial constraints.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- (a) In responding the questions raised by Councillor D Stanley, the Head of Street, Green and Amenity Services confirmed that the proposal was to reduce the Borough geography to five areas which would provide a common footprint for a neighbourhood model to be implemented for delivery of services within the Directorate. Partnership would be enhanced between the Housing and Communities and Public Realm Directorates to reduce duplication and improve joint working and responses and ensure that services were focused and tailored to specific neighbourhoods, whilst delivering value for money.

- (b) In terms of the management and staff restructure, Councillor P Sahota indicated that in order to develop an effective neighbourhood approach to delivering services within the Borough, support from staff, together with ensuring that the right level of skills were provided were essential. The Head of Street, Green and Amenity Services referred to phase one of the initiative and assured Members that assessments had been carried out to ensure that staffing structures were equipped with the right level of skills required to deliver effective services. Staff were challenged and encouraged to identify solutions to real time issues affecting the Borough, supported to feel empowered within their role and training was frequently provided to staff to ensure processes and procedures were understood. Members were assured that staff would be involved in future phases to ensure the structure was fit for purpose and future specifications and service delivery were met, taking into consideration financial constraints.

### **Resolved**

That the presentation and comments made above be noted and referred back to the Service for consideration.

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### **32 Housing and Communities Directorate on Scrutiny Committee Work Programme**

A report of the Director of Housing and Communities was submitted on progress on an update on areas agreed within the 2022/23 Annual Scrutiny Programme, approved by the Committee.

The report detailed information relating to the identified areas, along with progress to date, to provide Members with the opportunity to ensure that plans were robust, met customer needs and delivered high quality, value for money services.

The Director of Housing and Communities referred to key information outlined in the report submitted to the meeting, including the new regulatory arrangements for social landlords, including local authorities set out in the Social Housing White Paper. Members were assured that the Council were putting in place appropriate services, standards and performance measures to ensure that the Council was delivering against the commitments set out within the Charter. Whilst the Council was committed to ensuring that the objectives set out in the Charter were delivered, there were a number of constraints and pressures the Council faced, which were outlined in the report submitted to the meeting.

An overview of Dudley's housing stock portfolio was provided, which highlighted the challenges in terms of maintaining "old" homes to a good standard. Significant investment was required to ensure the Local Authority met the requirements of the Decent Homes Standard.

The Director of Housing and Communities indicated that with the Government's decision to cap social rents at 7% from April 2023, difficult decisions would be required in terms of improvement initiatives, services to residents and the ability to use flexible borrowing powers to deliver stock improvements and new homes.

Reference was made to the Building Safety Act 2022, which had brought forward a package of measures to make buildings safer, deliver improvement across the entire built environment and strengthen oversight and protection for residents. The act would ensure that the Local Authority managed buildings better within a proportionate framework and delivered more, better, high quality homes through both refurbishment and new build activities.

The average energy efficiency of homes within the Borough was rated at C and whilst there was an aspiration for all homes to be rated C or above, the target would be difficult to achieve, particularly as homes rated below C required expensive measures to achieve the required standard. However, the Local Authority was committed to consider various funding opportunities to deliver its objectives.

Reference was made to the current programme of adaptations, which supported residents with disabilities to live independently in their own homes. Statistical information was provided in the report submitted to the meeting in relation to the number of adaptations made, together with information regarding the refurbishment of sheltered homes.

Whilst progress in delivering the objectives outlined in the Charter had been made, there was still some way to go to reach aspirations. Members were assured that the Local Authority were committed to delivering the required services and were advised on future actions to support in delivering the objectives of the White Paper Charter.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- (a) Councillor K Casey referred to the 7% rent cap and the impact the significant increase would have on some residents in the Borough. Whilst the proposed rent cap would allow the Council to increase rents, it was unlikely to provide the Council with the level of

resources required to continue with current levels of investment and service provision. The impact of reduced levels of income would require the Council to review planned investment, services to residents and its ability to use flexible borrowing powers to deliver stock improvements and new homes. The freedom for additional borrowing had presented an opportunity to provide additional new housing stock and to invest in existing stock. Any additional rent generated as a result of new homes being available for social rent would fund any increase in borrowing costs. However, careful consideration was required in terms of borrowing as any increased borrowing would need to be repaid. Reviewed planning investment was currently being considered prior to service budgets being approved.

- (b) Councillor K Casey queried the level of income retained by the Council from capital receipts received through the Right to Buy (RTB) Scheme and suggested that the Cabinet Member for Housing and Communities write to Central Government lobbying for 100% of the income from the RTB scheme be retained by the Council. The Director of Housing and Communities indicated that a comprehensive response would be provided to Members.
- (c) In referring to the Building Safety Act 2022, Councillor J Cowell referred to risk categorised across the Big 6 areas, Fire, Legionella, Electric, Gas, Asbestos and Lifts and queried whether sufficient resources had been dedicated to the areas to carry out repair work and maintain standards. The Director of Housing and Communities indicated that services were frequently reviewed, and robust training schemes provided to staff within the Housing Maintenance and Asset Management Teams were fully conversant with the latest legislation and standards. Members were advised that the service was currently in the process of producing training and management systems for non-technical staff conducting daily/weekly visual checks across estates and properties in the Borough.
- (d) Councillor J Cowell was advised that residents would be consulted on any proposals to charge residents for services provided by the Local Authority.
- (e) Councillor J Cowell referred to the funding secured to provide a pilot scheme to improve energy efficiency and provide advice to 298 homes in the Borough. The homes of the most vulnerable tenants known to the Council were chosen for the scheme, which had been well received as the scheme had won third place in the 2022 National Energy Efficiency Awards for the Council of the Year and

was nominated for Inside Housing's Climate Change Project of the Year.

- (f) Councillor J Cowell queried whether Dudley now had in place a Fire Door Contractor. The Director of Housing and Communities indicated that it was a requirement for such contractor and indicated that she would pursue the matter and provide a response to Members.
- (g) Members raised concern with the current value of Dudley's housing stock. The value of the Local Authority's housing stock compared to modern market average sale prices were considered extremely low. The Director of Housing and Communities indicated that the viability of Dudley's housing stock had been independently appraised in 2020 by IS4/Indigohouse. A net present value cost was used for all Council homes and the model was designed to assess the cost of keeping homes in good order, including assessing the estimated cost of repairs and statutory maintenance over a 30-year period and was compared to the estimated level of rental income over the same period, which related to 60% of the assessment. The remaining 40% of the assessment was based on "Prospects and Performance", which measured sustainability, popularity and demand, Standard Assessment Procedure rating, local anti-social behaviour statistics and data from the indices of multiple deprivation. The Director of Housing and Communities indicated that a comprehensive response outlining the housing 30-year maintenance plan to include information considered when assessing the overall baseline valuation of housing stock for strategic assessment management purposes would be provided to all Members.
- (h) Councillor D Stanley raised concern in relation to the debt charges accumulated and the impact it had on the budget. The Director of Housing and Communities indicated that consideration was being given to identifying a financial model that was fit for purpose.
- (i) In responding to a question from Councillor D Stanley in relation to funding for new build properties, the Director of Housing and Communities indicated that £95m had been approved to 2026/27 to support fund the Council's new build programme. It was noted, however, that a proportion of the funding would be used to replace homes following the Right to Buy scheme.

## **Resolved**

- (1) That the activity around compliance, assets, capital investment, development and fuel poverty be noted.

- (2) That the Director of Housing and Communities be requested to arrange for a comprehensive response to be provided to Members on the percentage of income retained by the Council from capital receipts received through the Right to Buy (RTB) Scheme.
  - (3) That the Director of Housing and Communities be requested to pursue the requirements for a Fire Door Contractor and provide a response to Members.
  - (4) That the Director of Housing and Communities be requested to provide a comprehensive response to Members on details of the housing 30-year maintenance plan to include information considered when assessing the overall baseline valuation of housing stock for strategic assessment management purposes.
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### 33 **Action Tracker/Future Business**

The Chair referred to the outstanding responses and requested that officers action the recommendations and update the Action Tracker accordingly.

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The meeting ended at 8.30pm.

CHAIR

**Minutes of the Housing and Public Realm  
Scrutiny Committee  
Thursday 26<sup>th</sup> January, 2023 at 6.15pm  
In the Council Chamber, Council House, Dudley**

**Present:**

Councillor W Sullivan (Vice-Chair in the Chair)  
Councillors A Aston, K Casey, B Challenor, J Clinton, J Cowell, J Foster,  
I Kettle, K Lewis, A Millward, P Sahota and T Westwood

**Officers:**

A Vaughan – Interim Director of Public Realm, E Bradford – Head of Street, Green and Amenity Services, N McGurk – Head of Traffic, Transportation and Engineering Services and J Deakin – Waste Operation Manager (Directorate of Public Realm), K Jones – Director of Housing and Communities, I Newman – Director of Finance and Legal, I Grosvenor – Finance Manager, R Millard – Senior Principal Accountant and K Malpass – Democratic Services Officer (Directorate of Finance and Legal).

**Also in attendance**

Councillor S Saleem – Cabinet Member for Highways and Public Realm

**34     Apologies for absence**

Apologies for absence from the meeting were submitted on behalf of Councillors M Aston, R Collins, K Shakespeare and M Westwood.

35 **Appointment of Substitute Members**

It was reported that Councillors J Foster, B Challenor and A Millward had been appointed as substitute Members for Councillors M Aston, R Collins and M Westwood, respectively, for this meeting of the Committee only.

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36 **Declarations of Interests**

Councillors J Cowell and J Clinton declared non-pecuniary interests in relation to housing matters to be considered at the meeting, as Council tenants.

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37 **Minutes**

**Resolved**

That the minutes of the meetings held on 23<sup>rd</sup> June and 17<sup>th</sup> November, 2022 be confirmed as correct records and signed.

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38 **Public Forum**

No issues were raised under this agenda item.

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39 **Action Tracker/Future Business**

The Chair referred to the outstanding responses and requested that officers action the recommendations and update the Action Tracker accordingly.

Councillor P Sahota expressed disappointment at the decision to consider the Quarterly Corporate Performance Report – Quarter 2 (1<sup>st</sup> July – 30<sup>th</sup> September, 2022) by e-mail indicating that the report was “fundamental to democracy” and should be scrutinised at meetings. He requested assurances that future reports would be included in the main agenda moving forward. The Chair noted the comments made and indicated that the decision had been made, in line with other Scrutiny Committees, to manage the agenda more effectively and whilst the Quarterly Corporate Performance Report would remain on the Scrutiny Programme, the Chair and Vice-Chair would consider how future items would be delivered.



In referring to Minute No. 28 – Housing Board and Dudley Federation of Tenants and Residents Association, Councillor T Westwood was assured that the matter had been referred to the Director of Housing and Communities for further consideration and response.

Councillor J Cowell referred to the response circulated to Members in relation to the requirements of a Fire Door Contractor. Whilst it was noted that the contract had been awarded to ABCA, the length of time a contractor had not been in place was queried together with whether the contract had been agreed and signed and the length of time expected for the new contractor to carry out the required work. Whilst a response could not be provided at the meeting, the Director of Housing and Communities indicated that a written response would be circulated to all Members of the Committee.

Councillor A Millward requested an update in relation to the recommendation made at the meeting held on 21<sup>st</sup> September, 2022, to review recycling options and facilities in the Borough, together with the possibility of introducing fortnightly recycling and residual waste collections. The Interim Director of Public Realm indicated that the work was ongoing, and an update would be provided to a future meeting of the Scrutiny Committee.

In referring to the level of income retained by the Council from capital receipts received through the Right to Buy (RTB) Scheme, Councillor K Casey queried whether the Cabinet Member for Housing and Communities had contacted Central Government lobbying for 100% of the income received from the RTB scheme be retained by the Council. The Director of Housing and Communities assured Members that progress had been made, however, further discussions were required prior to a letter being sent to Central Government.

Councillor A Aston requested an update in relation to accurate Key Performance Indicator figures being provided to Members in relation to PI 2194, percentage of gas compliance. In responding, the Director of Housing and Communities indicated that the request had predated her appointment as Director, however, she assured Members that performance figures from September to December 2022 were currently being collated by the Head of Housing Management and would be circulated to Members shortly.

## **Resolved**

- (1) That the information contained in the Action Tracker and Future Business for the Committee, be noted.
  - (2) That the Director of Housing and Communities be requested to provide information to all Members of the Committee in relation to the length of time a fire door contractor had not been place, whether the contract awarded to ABCA had been agreed and signed and the length of time expected for the new contractor to carry out the required work.
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### **40     Medium Term Financial Strategy**

A joint report of the Chief Executive, Director of Finance and Legal, Deputy Chief Executive, Director of Housing and Communities and the Interim Director of Public Realm was submitted on the draft Medium Term Financial Strategy (MTFS) to 2025/26, with emphasis on those proposals relating to the Committee's terms of reference. Items directly relevant to this Committee were those in relation to the Housing and Community Services and Public Realm Directorates. The final version of the report would be considered by Cabinet in February 2023 and Full Council in March 2023.

In presenting the report, The Director of Finance and Legal provided an overview of the report, and in doing so, indicated that the information contained within the report provided had been based on reasonable assumptions and professional judgements, taking into consideration past experience of funding allocations to Dudley. The draft MTFS had been developed based on the Chancellor's Autumn Statement on 17<sup>th</sup> November, 2022. Members were advised that the Local Government Settlement for 2023/2024 had since been received on the 19<sup>th</sup> December, 2022.

It was noted that the current spending and savings proposals outlined in appendix C and D of the report submitted reflected the proposals considered by Cabinet on 14<sup>th</sup> December, 2022.

A summary of the overall financial position reflected in paragraph 30 of the report submitted was provided. The Director of Finance and Legal indicated that the MTFS reflected the revised spending proposals and forecasts had predicted total service spend of £304.2m for the 2023/24 financial year, rising to £309.4m in 2024/2025 and £310.4m for 2025/26, which had been based on estimates and assumptions, subject to the risks and uncertainties outlined in paragraph 32 of the report submitted. It was

noted that the Local Government Finance Settlement had identified an additional £2.1m resources for each year, and any proposals to use these resources would be incorporated within the final MTFS for consideration by Cabinet in February 2023 and Full Council in March 2023.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- (a) In referring to the total spend for the next three-year period, Councillor I Kettle queried whether the forecasts had sufficient allowance for inflation rates and queried whether figures were expected to change. The Director of Finance and Legal acknowledged the comments raised and accepted that figures could potentially change, however, indicated that it was anticipated that the identified spending proposals would be offset by the potential saving proposals outlined in Appendix D to the report submitted.
- (b) Councillor A Aston referred to the efficiency savings identified as a result of new library service/contract and queried whether the potential savings could be identified by efficiencies rather than the closure of such facilities. The Director of Finance and Legal indicated that efficiency savings would include all areas of library activities, identifying more efficient methods of accessing available learning materials. However, it was envisaged that savings would not be achieved without changing the current footprint of the service.

Councillor A Millward queried when the current library service contract ceased and the number of individual library facilities in the Borough. In responding, the Director of Finance and Legal confirmed that the current library services contract ended in November 2024, and whilst statistics could not be provided at the meeting, a written response would be submitted to Members.

- (c) In responding to a question from Councillor J Cowell, the Interim Director of Public Realm confirmed that the acronym NBW related to Narrow Boat Way.
- (d) In referring to the proposals for additional spending, outlined in Appendix C to the report submitted, Councillor J Cowell requested further information regarding the £70,000 spending allocation per year for the three-year period relating to Investment in Commercial Waste Business. In responding, the Interim Director of Public Realm indicated that commercialisation and income remained a priority and that every opportunity was being considered to exploit innovative ideas around service delivery. Whilst savings in Public Realm had

been identified, it was considered that proposed spending in the short term in certain areas of the Directorate was essential to support income generation moving forward.

- (e) In referring to the identified spending proposals in relation to electricity prices, Councillor P Sahota queried whether consideration could be given to re-allocating part of the funding to alternative services within the Council. Clarification was requested on how spending costs would be met, whether it would be as a result of a reduction in services currently offered or by staff redundancies. In responding, the Interim Director of Public Realm indicated that electricity prices remained volatile, and information provided was based on the current forecast, however, the prices would be frequently reviewed and monitored.
- (f) Councillor P Sahota welcomed the investment proposed to improve park development and requested assurances that investment would be distributed fairly throughout the Borough. The Interim Director of Public Realm acknowledged the importance of improving and maintaining green spaces within the Brough and consideration and further information would be incorporated in the final MTFS report to Cabinet in February and Full Council in March, 2023.

### **Resolved**

- (1) That the proposals for the Medium Term Financial Strategy to 2025/26, as set out in the report, and Appendices to the report, submitted be noted.
- (2) That the Director of Finance and Legal be requested to provide statistics on the number of individual library facilities available within the Borough to all Members of the Committee.

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## **41 Review of Housing Finance**

A joint report of the Director of Housing and Community Services and the Director of Finance and Legal was submitted on the Review of Housing Finance.

In presenting the report, the Director of Housing and Communities highlighted key paragraphs within the report, and referred in particular to the proposals considered by Cabinet at its meeting on 14<sup>th</sup> December, 2022, as outlined below:-

- rents for council homes with effect from 3<sup>rd</sup> April 2023.
- a draft Housing Revenue Account (HRA) budget for 2023/24 in the light of the latest government announcements on housing finance and latest spending and resource assumptions.
- a revised Public Sector Housing capital programme for 2022/23 to 2027/2028.

The report provided an update on the position for the current financial year in terms of the HRA and the latest variations expected against the original budget as outlined in Appendix 1 to the report submitted. In line with Government guidance and following consultation on proposed rent caps for social landlords, it was expected that the rent cap increase of 7% would be introduced for 2023/2024. Inflationary pressures were expected to continue into 2023/2024, with assumed pay awards of 4% for 2023/2024 and 2% thereafter. Borrowing costs were expected to remain high in the short term and utility prices were assumed to increase in line with inflationary increases. Despite the rent increase introduced, the HRA expected to see a base budget deficit of £2.6m in 2023/2024, £3.8m in 2024/2025 and £5.0m in 2025/2026, however, a number of savings and growth proposals had been prepared and prioritised and had been presented to the HRA budget summit on 22<sup>nd</sup> November, 2022. Details of the proposals were outlined at paragraph 16 of the report submitted to the meeting.

The proposed draft HRA budget for 2023/24 to 2025/26 was outlined in Appendix 2 to the report submitted. The budget had been based on implementing the maximum allowed of 7% rent increase which would take effect from 3<sup>rd</sup> April, 2023, building in additional resources to meet inflationary pressures.

In February 2022, a five year housing public sector capital programme was agreed, which reflected enhanced investment using the HRA's new borrowing flexibility. The five-year capital programme was developed based upon the themes set out within the Council's ten-year Housing Asset Management Strategy (HAMS) approved by Cabinet in October 2019. In light of budget pressures, the five-year programme had been reviewed to consider planned investment priority works which would ensure the safety and quality of existing homes. The revised capital programme reflecting latest forecasts and the financial consequences to the HRA was outlined at Appendix 3 to the report submitted.

The proposed capital programme continued to follow the principles approved in February 2022 and reflected the priorities of the Council Plan and the HAMS 2019/2029, whilst acknowledging the need to have a more targeted approach to capital investment reflecting the reduced borrowing capacity.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- (a) Councillor J Cowell referred to the proposal to introduce service charges for residents of Council owned properties. Concern was raised that currently cleaning/maintenance services were not provided in low-rise flats and indicated that should charges be introduced, it was essential that the service was carried out and undertaken adequately. The process for damage charges was considered very vague and processes needed to be more simpler, open and transparent. The Director of Housing and Communities acknowledged the comments raised and indicated that further work/consultation with residents was required to ensure the level of service was provided to all Council properties, which had been reflected in the projected savings, as it was intended to introduce a service charge from 2024/25.

Concern was raised by Councillor J Clinton indicating that complaints had been made at Tenants and Residents Association meetings in relation to the Council not fulfilling the terms of the lease in relation to chargeable services. The Director of Housing and Communities acknowledged the concern and requested that details be passed to appropriate officers to pursue and action.

- (b) Councillor J Cowell expressed concern that some residents would not be able to afford the additional service charges due to the current cost of living crisis. Whilst the Director of Housing and Communities acknowledged the comment raised, she indicated that the effects of the cost of living crisis was not going to improve during the short term, and emphasised that the decision to implement service charges had not been taken lightly. Further discussions on charges and implications were essential to ensure the right model was delivered.
- (c) Councillor J Clinton queried what support would be available to low-income families struggling to pay the 7% rent increase. The Director of Housing and Communities acknowledged the implications of increasing rent for low-income families and assured Members that support and advice on claiming benefits would be available.
- (d) Councillor K Casey queried how much capital had the Local Authority borrowed since the abolishment of the borrowing cap in 2018. The Director of Finance and Legal confirmed that the Local Authority had not borrowed any capital since the borrowing cap had been lifted. Additional spending identified to date had been offset by

budget reserves. It was considered unnecessary to apply for any borrowing when there was capital spend available. Borrowing and investment activities had been identified, however, the Bank Base Interest Rate had increased in response to inflationary pressures which would have an impact on the amount of borrowing moving forward.

- (e) Councillor K Casey referred to the consequences of reduced borrowing, impacting on the number of new build developments. The Director of Housing and Communities indicated that in light of the changing economic climate and the impact of the 7% rent cap announced in the Autumn Statement, the HRA capital and revenue budgets were under pressure and as a consequence, the five-year capital programme had been reviewed to ensure that planned investment priority work was carried out. Whilst it was acknowledged that building new homes for residents was important, it was more viable to focus investment on ensuring regulatory compliance and building safety, reducing the number of void properties and improving the quality and efficiency of existing homes within the Borough. Collaborative working within the Public Realm and Housing and Community Services Directorates was considered essential to ensure services were carried out more efficiently, together with considering alternative external funding opportunities.

Whilst acknowledging the decision to increase Council rent by 7% and the struggles many families would experience as a result, Councillor A Aston queried the average private landlord rent. The Director of Housing and Communities indicated that figures varied as there was no limit on what private landlords requested.

- (f) Councillor J Cowell referred to the lack of communication between the Council Tax and Income Support Teams and indicated that collaborative working was essential given the services they provided, particularly when residents approach the Teams on sensitive matters.
- (g) Councillor I Kettle expressed concern at the number of void properties within the Borough and the investment required prior to re-let, together with the processes involved in managing properties where residents were either in prison or had been admitted to hospital/mental hospital. The Director of Housing and Communities indicated that managing void properties was a complex matter. Whilst some void properties were re-let promptly, a number of properties required significant improvement work to bring them to modern day standard prior to re-let. It was acknowledged that some void properties were empty for longer periods than was necessary.

Improvement work around voids was currently being carried out and improved figures would be observed moving forward. Managing properties where residents had been sentenced to prison time or admitted to hospital was very challenging for a number of different reasons, however, work would continue to identify improvements moving forward.

## **Resolved**

- (1) That the latest Housing Revenue Account outturn forecast for 2023/24, outlined in paragraphs 4 – 8 and Appendix 1 be noted.
- (2) That the proposals considered by Cabinet at its meeting held on 14<sup>th</sup> December, 2022, relating to the Housing Revenue Account budget for 2023/24 onwards, as detailed above, be endorsed.

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### **42 Annual update on the Safe and Sound Partnership priorities and update on improvements to managing neighbour disputes and anti-social behaviour**

A report of the Director of Housing and Communities was submitted to provide Members with an overview of Safe and Sound (Dudley's Community Safety Partnership) and an update on the ongoing work to improve the management of neighbour disputes and anti-social behaviour.

Safe and Sound was Dudley's Community Safety Partnership, which was required in statute by the Crime and Disorder Act 1998, its subsequent amendments and other relevant legislation. A list of Responsible Authorities and statutory requirements of the Partnership were referred to and outlined in the report submitted to the meeting.

The work of the Dudley Community Safety Partnership was directed by the Safe and Sound Strategic Board. The structure and Membership of the Board were referred to, together with key priorities identified. The Board had sub-groups which focused on a number of specific priority areas. The Safe and Sound Structure Chart was outlined in Appendix 1 to the report submitted to the meeting. The key changes and rationale for change were summarised in paragraph 13.

During 2022, the anti-social behaviour team had worked hard to clear the backlog of cases within the service area. Following a prolonged period of lower staffing resources due to sickness absence and vacant posts, Members were advised that the Team was now on a more stable footing. The Team were now focused on developing and improving service



delivery, reviewing policies and procedures, partnership relationships, professional advice and assistance with IT systems to ensure continuous improvement of services and customer experience.

The restructure of Housing Services to deliver the community housing vision, as set out in the report to the Housing and Public Realm Scrutiny Committee on 21<sup>st</sup> September, 2022, was almost complete, which would increase resources to respond to and manage incidences of anti-social behaviour in homes and communities. It was expected that initially, the anti-social behaviour and community housing teams would be working collaboratively to develop a future model for managing anti-social behaviour and neighbour nuisance, with community housing officers dealing with day to day issues that arise on estates. The benefits of the proposed approach was to ensure community housing officers dealt with estate complaints more proactively to prevent unnecessary escalations of low level complaints and trained anti-social behaviour officers having more time and resources to case manage more complex cases.

External independent support had been secured during 2023/2024 which would complement the work of the service manager, providing a further level of assurance in complex cases and support the team to improve policies, partnerships and systems.

It was expected that during 2023/2024, the services provided by the anti-social team would sit under the Head of Community Safety, where it was envisaged that relationships with key partners would improve and allow the service to look at expanding the current remit of the service.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- (a) Councillor P Sahota commented positively in relation to the ongoing improvement work carried out by the Safe and Sound Partnership, particularly the work carried out by the Anti-Social Behaviour Team following the restructure of the service. He indicated, however, that increased work was required at township level to ensure the right level of service was offered to communities within the Borough. Reference was made to the work carried out in neighbouring authorities and it was suggested that comparison work be considered with a view to offering a similar service. It was important that all communities were informed of any issues affecting specific areas and made aware of who key officers and PCSOs were.
- (b) In referring to the Safe and Sound priorities, Councillor J Cowell indicated that men were also at risk of domestic violence. Concern

was expressed at the lack of information provided in relation to domestic abuse against men. Further publicity was required to raise awareness to ensure everyone understood the process involved in reporting abuse.

- (c) Councillor A Millward welcomed the direction the service was headed in, particularly the partnership working with key agencies to tackle key priorities identified by the Safe and Sound Partnership. Concerns were expressed at the lack of communication currently between officers and Members. Communication with Members was key in ensuring the successful delivery of the service priorities. The Director of Housing and Communities acknowledged the concern raised and assured Members that communication between officers and Members was an important role within the service and would improve moving forward.
- (d) Councillor I Kettle indicated that fraud was on the increase and referred to the implications on the wellbeing of the population, particularly victims that fall foul of fraud. The lack of action taken against fraud was a concern and a proactive approach was required to tackle the issue. In acknowledging the concerns raised, the Director of Housing and Communities reported on the latest fraud scams and activities in circulation. It was challenging to tackle fraud activity, however, improved measures to prevent, detect and punish fraudsters were frequently being considered. The threat from fraud continued to have a damaging effect on victims. Intelligence sharing, new approaches to threats and enforcement were considered crucial in the battle to tackle fraud. Advice was available to victims of fraud and anyone suspecting fraudulent activity online.
- (e) Councillor I Kettle referred the lack of police action taken to tackle antisocial activities associated with boy racers in the Borough. Incidents relating to car cruising was on the rise, increasing the risks to other road users and pedestrians. Strategic action was required to prevent boy racing in the Borough, with the suggestion of using police helicopters to identify hotspot areas.
- (f) Councillor K Casey referred to residents not complying with housing tenancy conditions and the lack of enforcement action taken by the Local Authority, and it was considered that a more practical approach was required to ensure tenancy conditions were met moving forward. The Interim Director of Public Realm indicated that following the restructure of the service, the Public Realm and Housing and Community Services Directorates were working collaboratively to look at initiatives to tackle enforcement issues in

the Borough. A more joined up approach was essential moving forward to prevent any duplication of services and ensure that the service was delivered effectively in line with Council priorities and resident requirements.

### **Resolved**

That the information contained in the report submitted to the meeting be noted and the comments made above be referred back to the Service for consideration/action.

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#### **43    Questions Under Council Procedure Rule 11.8**

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

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The meeting ended at 7.34pm.

CHAIR

**Minutes of the Appeals Committee  
Friday, 18<sup>th</sup> November, 2022 at 10.00 am  
in Committee Room 4 at the Council House, Dudley**

**Present:**

Councillor T Westwood (Chair)  
Councillor S Henley and S Greenaway

**Officers:**

J Afford – Transport Manager (Directorate of Children's Services) and  
K Buckle and G Gray – Democratic Services Officers (Directorate of Finance  
and Legal).

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**63    Declarations of Interest**

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

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**64    Exclusion of the Public**

**Resolved**

That the public and press be excluded from the meeting for the  
following items of business on the grounds that they involve the  
likely disclosure of exempt information relating to any individual(s)  
as defined in Part I of Schedule 12A to the Local Government Act,  
1972, as amended.

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65 **Home to School and Post 16 Home to School/College Transport Appeal – THB**

A report of the Director of Children's Services was submitted on an appeal relating to Home to School Transport.

**Resolved**

- (1) That, following careful consideration of the information and representations made by all parties, the home to school transport for THB be reinstated, subject to the provision of the requested evidence upon receipt of which home to school transport would be reviewed by the Directorate of Children's Services.
- (2) That the parties be informed of the decision of the Committee in writing within five working days.

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66 **Home to School and Post 16 Home to School/College Transport Appeal – LS**

A report of the Director of Children's Services was submitted on an appeal relating to Home to school transport.

**Resolved**

- (1) That following careful consideration of the information outlined in the report and the recent evidence provided by the applicant, the Committee determined that the appeal for LS be reviewed by the Directorate of Children's Services.
- (2) That the parties be informed of the decision of the Committee in writing within five working days.

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67 **Home to School and Post 16 and Home to School/College Transport Appeal – ARM**

A report of the Director of Children's Services was submitted on an appeal relating to Home to school transport.

## **Resolved**

- (1) That, following careful consideration of the information and representations made by all parties, the appeal home to school transport for ARM be reinstated, subject to the provision of the requested evidence upon receipt of which home to school transport be reviewed by the Directorate of Children's Services.
  - (2) That the parties be informed of the decision of the Committee in writing within five working days.
- 

The meeting ended at 11.40am.

CHAIR

**Minutes of the Appointments Committee  
Monday 9<sup>th</sup> January, 2023 at 6.00pm  
in Committee Room 4, the Council House, Dudley**

**Present:**

Councillor S Clark (Vice-Chair in the Chair)  
Councillors S Ali, I Bevan, D Borley, J Foster, S Keasey, D Stanley and  
L Taylor-Childs

**Officers:**

M Wilcox (Principal Lawyer and Deputy Monitoring Officer) and S Griffiths  
(Democratic Services Manager)

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**1 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors P Harley,  
N Neale and Q Zada.

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**2 Appointment of Substitute Member**

Councillors I Bevan and D Borley were appointed as a Substitute Members  
for Councillors P Harley and N Neale, respectively, for this meeting of the  
Committee only.

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**3 Declarations of Interest**

There were no declarations of interest made pursuant to the Members'  
Code of Conduct.

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## 4 **Minutes**

### **Resolved**

That the minutes of the meeting held on 21<sup>st</sup> March, 2022 be confirmed as a correct record and signed.

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## 5 **Joint Negotiating Committee Handbook and Model Procedure Update**

The Committee considered a report of the Deputy Monitoring Officer on the updated Joint Negotiating Committee (JNC) Handbook and proposals for the delegation of authority to enable compliance with the model procedure as set out in the Handbook and in statute.

In response to a question from Councillor D Stanley, the Deputy Monitoring Officer confirmed that the proposals had been submitted to the Committee at this time to reflect recent updates made to the Handbook and following consideration of external legal advice received.

Councillor J Foster referred to potential circumstances whereby all the Council Officers referred to in recommendation 2 of the report might be conflicted or unable to act for any reason. The Deputy Monitoring Officer confirmed that, in appropriate circumstances, legislation would permit the appointment of a senior officer from another local authority to carry out the initial 'filter test' as referred to in the report.

In response to a query from Councillor S Ali, it was noted that the JNC Handbooks were available on the Internet. The report presented to the meeting fully reflected the external legal advice received to ensure compliance with the necessary requirements. Councillor J Foster requested a copy of the external legal advice. The Deputy Monitoring Officer would confirm her understanding that the external legal advice was provided on a private and confidential basis and subject to professional legal privilege.



## Resolved

- (1) That the updated Joint Negotiating Committee (JNC) Handbook be noted.
  - (2) That authority be delegated to the Officers listed below to undertake and determine the initial 'filter test' in relation to the Statutory Officers (as set out in the JNC Model Procedure):
    - the Monitoring Officer;
    - the Head of Paid Service (where the Monitoring Officer is unable to act);
    - the Section 151 Officer (where the Monitoring Officer and the Head of Paid Service are unable to act); and
    - the Deputy Chief Executive (where the Monitoring Officer, the Head of Paid Service and the Section 151 Officer are unable to act).
  - (3) That each of the Officers referred to in resolution (2) above be authorised to further delegate these powers where this is considered necessary.
- 

## 6 Questions Under Council Procedure Rule 11.8

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

The meeting ended at 6.20pm

CHAIR



APP/3

**Minutes of the Audit and Standards Committee  
Wednesday 23<sup>rd</sup> November, 2022 at 2.00pm  
in Committee Room 3, the Council House, Dudley**

**Present:**

Councillor A Lees (Chair)

Councillor D Borley (Vice-Chair)

Councillors S Ali, P Atkins, J Cowell, M Evans, E Lawrence, J Foster and A Taylor

**Officers:**

B Heran (Deputy Chief Executive), G Harrison (Head of Audit and Risk Management), A Taylor (Senior Principal Auditor), M Grainger (Corporate Fraud Manager) and S Griffiths (Democratic Services Manager)

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**15 Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillor J Martin.

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**16 Appointment of Substitute Member**

Councillor J Foster was appointed as a Substitute Member for Councillor J Martin for this meeting of the Committee only.

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**17 Declarations of Interest**

Councillor J Foster declared a non-pecuniary interest in Agenda Item No. 7 (Internal Audit Report) due to her attendance at the event referred to in the report during 2019.

Councillor S Ali declared for transparency purposes that he was a Member referred to in the report to be considered under Agenda Item No. 7.

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## 18 **Exclusion of the public and press**

### **Resolved**

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

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## 19 **Internal Audit Report**

The Committee considered a report of the Deputy Chief Executive on the findings of an internal audit report.

Following a detailed discussion and consideration of the report, together with responses to comments and questions raised by Members of the Committee, it was

### **Resolved**

- (1) That the report of the Deputy Chief Executive together with the internal audit report, as set out in Appendix 1 to the report submitted to the meeting, be received and noted.
- (2) That the recommendations set out in Section 6 of the internal audit report be endorsed.
- (3) That further work be undertaken on the issues identified concerning compliance with formal processes, policies and the Constitution and that the following additional recommendations be made:

- That the findings in relation to any individual or individuals be investigated under appropriate procedures to ascertain whether any further action is required and that this investigation include interviews with Members as appropriate.
  - That the Head of Procurement submit a report to the Committee by April, 2023 concerning exceptions to contract standing orders.
  - That the appropriate Director review the current capacity within internal audit to determine whether this is sufficient.
- (4) That a further report be submitted to the Committee in due course to give an update on any actions required and/or any further processes or steps considered to be appropriate.
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The meeting ended at 5.20pm

CHAIR



ASC/30

**Minutes of the Audit and Standards Committee  
Monday 5<sup>th</sup> December, 2022 at 5.00pm  
in Committee Room 3, the Council House, Dudley**

**Present:**

Councillor A Lees (Chair)  
Councillor D Borley (Vice-Chair)  
Councillors S Ali, J Cowell, E Lawrence and J Martin

**Officers:**

I Newman – Director of Finance and Legal, G Harrison – Head of Audit and Risk Management, R Cooper – Head of Financial Services, A Taylor – Senior Principal Auditor (via MS Teams), S Carter – Finance Manager (via MS Teams), M Landy – Senior Principal Auditor (via MS Teams), J McGregor – Senior Principal Accountant (via MS Teams), E Newman - Principal Auditor (via MS Teams) and H Mills (Senior Democratic Services Officer) (Directorate of Finance and Legal); J Branch – Assistant Director People and Inclusion, B Clark – Head of Payroll, Pension and Recruitment (Chief Executives Directorate); M Abuaffan – Acting Director of Public Health, K Graham – Service Director of Children’s Social Care, M Smith – Head of Business Support (Children Services Directorate)

(Vice-Chair in the Chair for the commencement of the meeting)

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**20 Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors P Atkins, M Evans and A Taylor.

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## 21 **Declarations of Interest**

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

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## 22 **Minutes**

### **Resolved**

That the minutes of the meeting held on 26<sup>th</sup> September, 2022 be approved as a correct record and signed.

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## 23 **Statement of Accounts 2021/2022**

A report of the Director of Finance and Legal was submitted on the Statement of Accounts, informing the Committee of the progress with the audit of the accounts. The Statement of Accounts, and the audit of them, was the main formal and public report on the financial standing of the authority. A copy of the Statement of Accounts 2021/22 had been circulated to Members.

The Director of Finance and Legal gave a brief presentation and in doing so outlined the authority's funding basis and clarified that the presentation of the accounts was from two perspectives namely funding and spending (governed by statutory regulations), and external reporting (governed by the Code of Practice/International Financial Reporting Standards (IFRS)). It was further stated that both views were reconciled together in one statement known as the Movement in Reserves Statement (MiRS) detailed on page 25 of the accounts submitted. A simplified version of the MiRS table was presented to the Committee.

The Director of Finance and Legal reported on the Audit progress and confirmed that a review, conducted by Grant Thornton, was still ongoing. Initial feedback from Grant Thornton had been positive, with just a few minor adjustments identified in relation to the Business Rates Appeals Provisions, Pensions and Asset Valuations.

Arising from the presentation and a question from Councillor S Ali in relation to whether there was anything in the accounts that the Committee should be particularly concerned about, the Director of Finance and Legal commented that the reduction in earmarked reserves was mainly a technically adjustment related to Covid relief. This was a timing issue and there were no issues of significant concern. However, the Committee would need to be mindful moving forward of the level of overspend in the current financial year. This would be identified in the Statement of Accounts for 2022/23.

## **Resolved**

- (1) That the information contained in the report on the Statement of Accounts 2021/22, be approved, and the Chair of the Audit and Standards Committee be authorised to sign and date the Statement of Accounts.
- (2) That the Chair of the Audit and Standards Committee, in consultation with the Director of Finance and Legal, be authorised to approve any changes to the Statement of Accounts arising from audit work, after the date of the Committee meeting, provided that there is no impact on useable reserves at 31<sup>st</sup> March, 2022.

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## 24 **Annual Governance Statement**

The Committee considered a report of the Director of Finance and Legal on the Council's Annual Governance Statement for 2021/22, which was required to be included as part of the Annual Statement of Accounts and detailed how the Council had complied with the local Code of Corporate Governance, the effectiveness of the governance framework and described any significant governance issues and how these would be addressed.

The Head of Audit and Risk Management stated that the Council had carried out a self-assessment against the principles and sub-principles within the framework and a revised code of Corporate Governance had been considered at the Audit and Standards Committee in September, 2022.



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

- a) In referring to Section 4.7 of the Annual Governance Statement, in particular the increase in sickness absences for 2021/22, Councillor S Ali questioned if this was as result of Covid related illnesses and if any absence related to long-Covid. It was also recognised that return to work interviews were conducted, however, it was questioned as to whether exit interviews were conducted to establish the reason for the high turnover rate, particularly within Children Services.

The Assistant Director People and Inclusion agreed to provide a breakdown of sickness absences and exit reasons. It was confirmed that exit interviews were undertaken, although it was an employee's choice as to whether or not they wished to participate. These interviews helped to develop an understanding of the reasons for leaving, and employees would always be encouraged to attend.

- b) Councillor S Ali requested further information in relation to the number of breaches under the Employee Code of Conduct and what these breaches related to, ie performance etc, as well as how these had been dealt with. The Assistant Director People and Inclusion agreed to provide the relevant information following the meeting.
- c) Arising from a question raised by Councillor S Ali with regard to the independent review into race inequality and what progress had been made to implement the identified recommendations, the Assistant Director People and Inclusion confirmed that progress had been made and a report would shortly be shared with employees, Elected Members and submitted to the Future Council Scrutiny Committee. It was reported that recruitment was now anonymised and candidate details were only provided when a candidate attended an interview; more information on protected characteristics was collated; a number of network groups had been established to help strengthen policies and processes and it was confirmed that trade unions had been involved and consulted throughout the process.



- d) In referring to paragraph 5.1.4 of the Annual Governance Statement and the five high level priorities for Children Services, Councillor S Ali commented that it would be useful to see a description of what the challenges related to.
- e) In referring to Paragraph 5.2.6 of the Annual Governance Statement, Councillor S Ali commented on the £17.2 million deficit in the High Needs Block. This was recognised as a reoccurring issue and an explanation was requested on the current position. He also questioned what radical changes to services would be made as referred to in paragraph 5.3.2 of the Annual Governance Statement.

In responding the Director of Finance and Legal commented that the High Needs Block was funded through the Dedicated Schools Grant and the deficit was a recognised issue across the majority of Local Authorities. Dudley was in receipt of support from the Department of Education and Newton Europe to address the issue, however, it was predicted that the deficit was expected to get worse before it started to improve.

- f) Councillor S Ali referred to Section 5.6 of the Annual Governance Statement in relation to Dudley Integrated Health and Care NHS Trust and the recent update advising that the Integrated Care Partnership would no longer be progressed and asked what impact this had to services that were being transferred and how much money had been spent on the project from the Council's perspective.

The Acting Director of Public Health and Wellbeing stated that 17 services had been mapped out to transfer and that it had been the Black Country Integrated Care Partnership's decision to halt the transfer. However, although recognised to be a challenge, Dudley would now look to procure services. It was estimated that the overall costs were £20 million. From the Council's perspective definitive figures were not known, however, as no additional staff had been employed and work on the ICP had been undertaken as part of existing workloads, it was considered that there had been no financial waste. A decision from the ICB was still awaited with regards to the integration of Children Services.

- g) Arising from a question raised by Councillor D Borley, in relation to whether the CCTV service was adequately resourced, the Director of Finance and Legal agreed to ensure that a written response was provided following the meeting.

(At this juncture, Councillor A Lees took the Chair)

In considering the recommendation to approve the Annual Governance Statement, reference was made to the deliberations at the Audit and Standards Committee on 23<sup>rd</sup> November, 2022. In light of the fact that these deliberations were held in private session, it was

### **Resolved**

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

At this juncture, all Officers (with the exception of the Head of Audit and Risk Management and the Senior Democratic Services Officer) withdrew from the meeting.

### **Resolved**

- (1) That the report on the Annual Governance Statement be deferred to a future meeting of the Audit and Standards Committee, on a date to be arranged.
- (2) That the Assistant Director People and Inclusion provide a breakdown of the different reasons for sickness absences and for leaving the Local Authority.
- (3) That the Assistant Director People and Inclusion provide further information in relation to the number of Employee Code of Conduct breaches, what these breaches related to and how these had been dealt with by the Local Authority.



- (4) That the Director of Finance and Legal provide a written response as to whether the CCTV service was adequately resourced.

(At this juncture the meeting returned to public session and all Officers returned to the meeting)

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## 25 **Risk Management**

A report of the Director of Finance and Legal was submitted on the risks reported to the Strategic Executive Board (SEB) and the status allocated by the risk owner and to provide an update on the embedding of the Risk Management Framework.

The Head of Audit and Risk Management stated that there were 17 risks rated extreme at the gross level and five rated extreme at net level which related to recruitment and retention of staff, children's safeguarding, budget, regeneration benefits and delay or withdrawal of the proposed METRO route. These risk scores were considered generally unacceptable and needed to be addressed.

At this juncture, the Assistant Director People and Inclusion gave a detailed presentation on Risk R.399 in relation to the inability to recruit and retain staff, and in doing so commented that this was a situation experienced nationally with 46% of recruiting employers having hard to fill vacancies particularly within the health care sector. The measures implemented in the short term to mitigate the risk were outlined, which included upskilling of existing staff; the promotion of the use of apprenticeships and the benefits for working for Dudley and a review of job specifications to ensure all requirements were needed. It was reported that workforce planning on an annual basis had helped to identify roles that were considered difficult to recruit and plans were developed to mitigate the impact.

Members were advised that it was the intention for Dudley Council to become an employer of choice and to provide a shop window to current and prospective employees and improve the candidate's experience. Alternative ways to apply for a vacancy were being explored, which included the submission of a CV as well as a focus on retention, to support career and leadership development and provide relevant and adequate training.

It was recognised that Dudley had reached its highest turnover rate, with the top five reasons for leaving identified as being in relation to career progression, better pay elsewhere, issues with manager or management team, workload pressures and lack of development and training. It was noted that there were 454 very difficult to fill posts with 80% of those vacancies being in areas with the highest turnover. It was further noted that the majority of Dudley Council's workforce was aged 50 years or over, with twice as many employees within the 55 to 69 age bracket than the 16-34 bracket, which identified there to be an issue with the recruitment and retention of younger people.

Arising from a question raised by Councillor J Martin in relation to whether the Local Authority could finance the vast number of vacancies should they all be filled, the Director of Finance and Legal clarified that there were not currently 454 vacancies, however, this was the number of posts considered to be hard to fill over time. It was acknowledged that in the current financial year, the post vacancies had provided a great degree of offset to the budget, however the adverse effect vacancies had to service delivery was recognised.

The Assistant Director People and Inclusion referred to the five priorities incorporated into Dudley Council Our People Strategy 2022-2025 to tackle the issue of employees leaving and the need to modernise recruitment to make the process more candidate friendly and attractive was emphasised.

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



- a) In response to a question raised by Councillor J Cowell with regard to staff working from home and how this impacted upon team connections, the Assistant Director People and Inclusion stated that staff/teams that were agile based, were encouraged to attend collaborative team meetings, when everyone attended the office. It was emphasised that should an employee wish to attend the office on a daily basis, arrangements could be made to accommodate this.
- b) Councillor S Ali welcomed the promotion of Apprenticeships and also encouraged additional work to be undertaken with local schools and colleges to highlight available opportunities for young people.
- c) Councillor D Borley also welcomed the progression of apprenticeships and suggested that Elected Members be consulted in relation to recruitment days/events that were arranged to help provide support and to promote events.
- d) In response to a question raised by Councillor J Martin in relation to how successful the apprenticeship programme was, as it had been reported that a significant number of trainees had not completed the programme, the Assistant Director People and Inclusion was of the view that it would take longer than 12 months to see a difference, although it was recognised that more needed to be done to bring people into the organisation. Moving forward it was important not just to rely on apprenticeships and to also consider providing entry training and on the job learning opportunities.
- e) Councillor E Lawrence welcomed the use of apprenticeships, however, considered it vital that mitigating steps were implemented to ensure retainment of the trainees once the programme was completed.

## **Resolved**

- (1) That the information contained in the report in relation to Risk Management be received and noted.



- (2) That Risk R.404 in relation to failure to demonstrate compliance with Contract Standing Orders/Procurement legislation affecting the Council's ability to deliver effective procurement/value for money, be identified as the specific risk for in-depth scrutiny at the Audit and Standards Committee in April 2023.
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**26 Exclusion of the public and press**

**Resolved**

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

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**27 Annual Audit Report for the Chief Executive**

**Resolved**

That this agenda item be deferred to the next scheduled meeting of the Audit and Standards Committee.

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The meeting ended at 7.05pm

CHAIR



ASC/40

**Minutes of the Audit and Standards Committee  
Monday 23<sup>rd</sup> January, 2023 at 6.00pm  
in Committee Room 2, the Council House, Dudley**

**Present:**

Councillor A Lees (Chair)

Councillor D Borley (Vice-Chair)

Councillors S Ali, P Atkins, J Cowell, E Lawrence, J Martin (from Minute No. 33) and A Taylor.

**Officers:**

B Heran (Deputy Chief Executive) (Chief Executive's Directorate); G Harrison (Head of Audit and Risk Management), R Cooper (Head of Financial Services), and K Taylor (Senior Democratic Services Officer) (Directorate of Finance and Legal) and M Smith (Head of Business Support) (Children Services Directorate)

**Also in Attendance:**

M Stocks (Grant Thornton External Auditor) – for agenda item no. 5.

**In Attendance Via Microsoft Teams:**

A Taylor (Senior Principal Auditor) and M Landy (Senior Principal Auditor) (Directorate of Finance and Legal)

T Tobin (Grant Thornton External Auditor) – for agenda item no. 5.

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**28 Apology for Absence**

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

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29 **Appointment of Substitute Member**

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

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30 **Declarations of Interest**

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

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31 **Minutes**

In referring to the minutes of the meeting held on 23<sup>rd</sup> November, 2022, Councillor S Ali suggested that, for transparency purposes, the minutes should reflect the vote undertaken by Members of the proposed recommendation to refer the findings of an internal audit report to External Auditors for further investigation, and concerns raised regarding the potential conflict of interest of the presenting officer of the report submitted.

In referring to minute no. 25 – Risk Management of the minutes of the meeting held on 5<sup>th</sup> December, 2022, it was requested that the third paragraph on page 15 of the report submitted be amended to read that the Director of Finance and Legal clarified that there were currently 454 vacancies.

**Resolved**

That, subject to the amendment above, the minutes of the meetings held on 23<sup>rd</sup> November, 2022 and 5<sup>th</sup> December, 2022 be approved as a correct record and signed.

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32 **Change in order of business**

Pursuant to Council Procedure Rule 13(c), it was

**Resolved**

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

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### 33 **Annual Governance Statement**

A report of the Deputy Chief Executive was submitted on the amendments to the Council's Annual Governance Statement for 2021/22, reflecting previous discussions by the Committee.

The Deputy Chief Executive referred specifically to the proposed additional wording included at paragraph 6.4 of the Annual Governance Statement, which was attached as Appendix 1 to the report submitted. The amendment referred to the issues identified with the Council's approach to managing programmes, projects and contracts which would be addressed by the establishment of a Corporate Portfolio Office and Action Plans. It was noted that the Action Plans would be approved by the Audit and Standards Committee and monitored by a variety of groups including the Strategic Executive Board and Cabinet.

Members were advised that the proposed amendment would be included in the Annual Governance Statement for both 2020/21 and 2021/22 retrospectively, if approved.

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

- a) In referring to paragraph 6.4.3 of the Annual Governance Statement, Councillor J Cowell requested clarification on the proposed timescales for the development and implementation of the Action Plans as mentioned. In responding, the Deputy Chief Executive confirmed that the Action Plans could be submitted to the Audit and Standards Committee in April, 2023.
- b) Councillor S Ali considered that some areas within the report did not truly reflect the current position in particular in relation to connectivity and infrastructure including the uncertainty surrounding the delivery of the West Midlands Metro extension and unsuccessful bids for the Levelling Up Fund.
- c) In referring to paragraph 6.4 of the Annual Governance Statement, Councillor S Ali suggested that the proposed amendment was not clear on contract management across all levels and should reflect processes involved.

In responding, the Deputy Chief Executive confirmed that roles, responsibilities and delegation will be considered whilst developing the proposed Action Plans. Members were also advised that there would be further opportunity to discuss whether the issues raised were being addressed appropriately at a future Committee.

## **Resolved**

- (1) That the information contained in the report submitted in relation to the Council's Annual Governance Statement for 2021/22 be noted.
- (2) That the additional wording included at paragraph 6.4 of the Annual Governance Statement, attached as Appendix 1 to the report submitted, be approved for both 2020/21 and 2021/22 retrospectively.
- (3) That the Deputy Chief Executive be requested to submit a further report to the Audit and Standards Committee in April, 2023 in relation to the proposed Action Plans to address the issues identified and support the delivery of programmes, projects and contract management.

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### **33 External Audit Findings Report 2020/21 – Updated**

A report of the Director of Finance and Legal was submitted on the external auditor's updated Audit Findings Report 2020/2021 together with the draft Letter of Representation, as set out in Appendix 2, to be submitted by the Council to the external auditors.

M Stocks (External Auditor) was in attendance at the meeting and presented a summary of the audit findings to the Committee, as outlined in Appendix 1 to the report submitted. It was noted that there were a number of amendments to the 2020/21 Audit Findings report in particular relating to property valuations, since it was originally presented to the Committee on 20<sup>th</sup> September, 2021.

In presenting the report submitted, the External Auditor provided an outline of the areas of work that the external auditors had undertaken between July, 2021 and January, 2022. Reference was made to the work in addressing issues identified in relation to council housing and land and buildings valuation, which had delayed the audit being finalised and the significant changes needed to the two previous years accounts in relation to other land and building valuations. A summary of the risks identified in relation to the valuation of land and buildings was outlined in page 28 of the report submitted.

Reference was made to the significant estimates in the Council's financial statements in relation to the valuation of pension fund net liability, and it was noted that following adjustments to the share of the quantifiable element which had reduced the Council's net pension liability and increased the return on assets in the other comprehensive income, the Council's share of the total value equated to £6m.

It was reported that the Council did not derecognise Infrastructure assets on replacement, and therefore the external auditors could not conclude that the disclosure was not materially misstated. Members were advised that a Statutory Instrument had been developed by the Department for Levelling Up, Housing and Communities and laid before Parliament in November, 2022. It was anticipated that the Instrument, together with updates to the Chartered Institute of Public Finance and Accountancy (CIPFA) Code, would resolve the majority of the ongoing audit challenges related to infrastructure asset balances.

Reference was made to the key estimates and judgements in relation to the provisions for Business Rate appeals that had been received but not settled at year end. During 2021/22 the Council significantly reduced the value of its Business rates appeal provision. As a result of the 2020/21 accounts still being open, Grant Thornton requested the Council look at the provision for business rate appeals in the 20/21 accounts. This led to the Business rates appeal provision as at 1<sup>st</sup> April 2021 being reduced by £10.53m and the closing balance at 31<sup>st</sup> March, 2022 remains unchanged.

In conclusion, the External Auditor anticipated that the revised accounts would be completed within the next couple of weeks for final sign-off of the Financial Statements for the year ended 31<sup>st</sup> March, 2021 shortly after.

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

- a) In responding to a question raised by Councillor J Cowell in relation to communications in dealing with valuation documents, the External Auditor advised that the Council had recently appointed an external officer to help alleviate internal pressures. It was therefore hoped that this measure would improve communication moving forward and it was evident that progress was being made. The Head of Financial Services concurred with the response and acknowledged that although there continued to be some issues there had been some improvement.
- b) Councillor S Ali shared his disappointment of the lack of improvement to processes in relation to property valuations.

- c) Councillor S Ali referred to the trivial matters within the financial statements, outlined in page 26 of the report submitted, and requested clarification on the process involved should external auditors identify any inaccuracies that needed to be brought to the Council's attention.

In responding, the External Auditor referred to the materiality approach undertaken during preparation of the financial statements, and confirmed that any errors were assessed against a trivial threshold and reported to the Council if considered necessary. Any errors that were below this level would be placed in a control setting in an effort to improve further.

- d) In responding to a question raised by Councillor S Ali in relation to long-term prudential borrowing and the affect this could have on future budgeting, the External Auditor referred specifically to the estimates and judgements in relation to the PFI (Paragon Schools) disclosure. Members were advised that differences had been identified across the split of the unitary payment, between the model used by the Council in comparison to the external auditor's model. However, whilst acknowledging various implications including inflation and change of contracts, the model utilised by the Council was considered appropriate. Should the difference be significantly different in comparison then the external auditors would intervene as necessary. Assurance was given that there were no concerns with this area, however this would continue to be reviewed accordingly.
- e) Assurance was given that there were no areas of concern to be highlighted, however recommendations had been made in relation to land and buildings valuations and the need for a formal process for routine authorisation of journals. The Head of Financial Services confirmed that processes had been developed and would be implemented retrospectively on journal authorisations for a specified limit by the 2023/24 financial year.
- f) Councillor E Lawrence requested further information in relation to the Digital Forensics Work totalling £20,000.

The External Auditor confirmed that the Digital Forensics Group within Grant Thornton UK LLP had provided Freeths LPLP with a data hosting platform in order to undertake an investigative review on behalf of the Council. Members were advised that this was in relation to a legal case with regard to the digital platform and assurances were given that there was no conflict of interest in this area.

- g) Councillor S Ali referred to the proposed fees charged for the Council audit, totalling £103,746, and queried why the Council had allocated an increase in external audit fees up to £330,000 within the Medium Term Financial Strategy to 2025/26.

In responding, the External Auditor referred to the extremely competitive market and the difficulties experienced in the recruitment and retention of experienced and qualified local auditors in order to sustain the existing market. It was noted however that the audit fees for the Council had been relatively low and unchanged for a period of time.

- h) The Chair referred to his recent attendance at an Audit Seminar and the requirement in sustaining high quality standards within the field whilst balancing delivery and profitable gain. The shortage of audit firms and subsequent delays in auditing accounts, together with the increase in external audit fees was acknowledged.
- i) In responding to a question raised by the Chair, the Head of Financial Services confirmed that the delay in providing key information in relation to housing valuations correlated with the amount of time undertaken in processing valuations by Savills UK.

## **Resolved**

- (1) That the information contained in the report submitted on the Council's External Auditor's updated audit findings 2020/2021, attached as Appendix 1, be received and noted.
- (2) That the draft Letter of Representation, as set out in Appendix 2 to the report submitted, be noted and the Chair, following consultation with the Director of Finance and Legal be authorised to sign and date the final version of the Letter of Representation in due course.

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

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

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### **35 Exclusion of the Public and Press**

## **Resolved**

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

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## 36 **Annual Audit Report of the Chief Executive**

A report of the Director of Finance and Legal was submitted summarising the audit work undertaken in relation to the Directors of Children's Services, Public Health and Wellbeing and Assistant Director of People and Inclusion, who reported directly to the Chief Executive for the financial year 2021/2022.

In presenting the report submitted, the Head of Audit Services advised that eight assurance audits had been undertaken, of which five had received minimal or limited assurance ratings. It was noted that these ratings had been given due to either a critical action being raised or a number of high priority actions. Further information in relation to the critical and high priority actions were outlined in Appendices 2 and 3, respectively, attached to the report submitted.

In addition to the five assurance audits, three other reviews were undertaken and in total 164 actions were raised. A full list of the audits, including the number of actions raised and assurance ratings, were detailed in Appendix 1 to the report. Mention was also made of the number of unimplemented actions from the previous reviews. It was further noted that the information included in Appendices 2, 3 and 4 had previously been agreed with Directorate Management and the comment recorded under Implementation Update was the current status of the actions that had been raised. Critical and High priority actions would be followed up by Audit Services.

The Head of Audit Services further commented on the 13 areas of audit activity undertaken relating to Schools, the findings of which would be considered by the appropriate School Governing Body/Committee.

Members were informed of the performance in relation to the issuing of final reports and Management's responses to the audit, and it was noted that there were a number of audits within People and Inclusion and Children's Services where the final report had been issued significantly later than the target date.

Reference was made to post-audit questionnaires issued on completion of an audit, in that eight of the nine returned stated they had received a very good or good service and one satisfactory service.

Arising from the presentation of the report, Members made comments and raised questions on individual audits, which were responded to at the meeting. The Committee would be provided with written responses to the following questions:

- a) Progress in relation to processes in enabling quality checks on payroll transactions.
- b) Clarification as to whether credentials had been removed from users that were no longer processing late payroll transactions.
- c) Further details in relation to whether individual payments could be processed for carers with children under Special Guardianship Orders.
- d) Further clarification as to whether all relevant staff within the Public Health and Wellbeing Directorate had attended Contract Management training.

Further to comments made, Members raised concerns that many actions had been unimplemented since 2016/17, and that the Chief Executive, Deputy Chief Executive and relevant Directors should be reminded of the importance and priority needed in relation to audit and recommendations made, with assurances demonstrated to Members accordingly.

Following further discussion, it was agreed that the Chair and Vice-Chair together with the Head of Audit Services would arrange a meeting to discuss the future reporting format of Annual Audit reports including a summary of the findings and outstanding actions.

## **Resolved**

- (1) That the information contained in the report and Appendices to the report submitted on audit work undertaken for those Directors and Heads of Service who reported directly to the Chief Executive for the financial year 2021/22, be received and noted.
- (2) That Officers provide Members with detailed responses to questions raised at the meeting.
- (3) The Chair and Vice-Chair together with the Head of Audit Services discuss the future reporting format of Annual Audit reports including a summary of the findings and outstanding actions.

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The meeting ended at 7.30pm

CHAIR



**Minutes of Licensing Sub-Committee 3  
Tuesday 20<sup>th</sup> December, 2022 at 10.00am  
In the Council Chamber, The Council House, Dudley**

**Present:**

Councillor A Taylor (Chair)  
Councillors T Creed and K Finch

**Officers:**

N Slym – Assistant Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm); R Clark – Principal Solicitor and K Taylor – Senior Democratic Services Officer (Directorate of Finance and Legal).

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**4. Declarations of Interest**

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

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**5. Minutes**

**Resolved**

That the minutes of the meeting held on 25<sup>th</sup> October, 2022, be approved as a correct record and signed.

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**6. Application to Vary a Premises Licence – The Royal, 54 Castle Street, Coseley**

A report of the Interim Director of Public Realm was submitted on an application to vary a premises licence in respect of the premises known as The Royal, 54 Castle Street, Coseley.

The following persons were in attendance at the meeting:-

Mr A Green (Solicitor – Gosschalks LLP)  
Mr M Finnemore (Regional Manager – Craft Union Pub Company Ltd)  
Mr G Chase (Licensing Manager – Stonegate Group)  
Councillor P Drake – Ward Member and Objector.

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council, advising that the application proposed the variation of the premises licence as follows:

**Supply of Alcohol**

Friday and Saturday – 10.00 until 01.00  
Sundays – 12.00 until 23.00

Christmas Day – 12.00 until 23.00

**Live Music/Recorded Music**

Friday and Saturday – 11.00 until 01.00  
Sundays – 12.00 until 23.00

To remove/replace conditions contained in the premises licence as outlined in the application.

Councillor P Drake, on behalf of local residents, outlined the reasons for his objection, and in doing so stated that although there were no concerns of the establishment, the proposed variation was not considered appropriate for the local area. It was anticipated that the requested additional hours could result in public nuisance and be detrimental to residents living within close proximity to the premises, in particular those residing at the nearby assisted living accommodation, many of whom were elderly and vulnerable. It was preferred that the premises continued with the existing licensable hours, however a reduction in the supply of alcohol and regulated entertainment until midnight would be acceptable.

Mr Green, on behalf of his client confirmed that the current operator had managed the premises for over 20 years and no complaints or issues had been made during that time, and that the purpose of the application was to give The Royal the flexibility within the operation of the premises. Following discussions with West Midlands Police and the Environmental Health Officer, additional conditions had been voluntarily agreed by the applicant to further enhance the application. The Sub-Committee were requested to consider that there had been no objections received from responsible authorities during the determination of the application.

Reference was made to the objection raised by Councillor P Drake in relation to noise nuisance, and Mr Green advised the Sub-Committee that prominent, clear and legible notices would be displayed at exits requesting patrons to respect the needs of local residents and vacate the premises and area quietly. An additional condition would also be attached to the operating schedule in that all windows and doors (including fire doors) to the premises would be kept closed, except doors used for access and egress, during any regulated entertainment.

In responding to a question raised by Councillor T Creed, Mr Green confirmed that an allowance of up until 30 minutes would be given to patrons vacating the premises after the time permitted of the supply of alcohol.

Mr Finnemore confirmed that The Royal was regarded as a good family pub within the local community and was predominately visited by local residents. It was reiterated that there had been no issues or complaints made in relation to the premises and there was no intention to change the operation or brand. It was further noted that patrons with children were asked to vacate the premises at 7pm.

Following a suggestion by the Sub-Committee, Mr Green agreed on behalf of his client to a reduction in the hours sought for the use of regulated entertainment at the premises on Fridays and Saturdays until midnight. This variation would address concerns raised in relation to potential noise nuisance.

In responding to questions raised by Councillor T Creed, Mr Green believed that the licensing hours of nearby premises were later than those currently operated at The Royal and anticipated that the requested additional hours would not attract a different clientele. It was further noted that there were five members of staff currently employed at the premises and that should the application be granted, this would not require the appointment of further staff.

Mr Finnemore, in responding to the Principal Solicitor, confirmed that a live singer was booked at the premises each Sunday from 4pm for a short period and a karaoke/band booked each Saturday until 11pm. It was again reiterated that the intention of the variation was not to change the business but to provide future flexibility. It was also confirmed that the premises had double glazed windows and shutters.

Following summing up, all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

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

## **Resolved**

That following consideration of the information contained in the report submitted and presented at the meeting, the application for a variation of the premises licence in respect of the premises known as The Royal, Castle Street, Coseley be granted, subject to the modified hours of supply of alcohol on Fridays and Saturdays, as outlined below:-

### **Supply of Alcohol**

Friday and Saturday – 10.00 until 00.30

Sundays – 12.00 until 23.00

Christmas Day – 12.00 until 23.00

### **Live Music/Recorded Music**

Friday and Saturday – 11.00 until 00.00

Sundays – 12.00 until 23.00

To remove/replace conditions contained in the premises licence as outlined in the application.

The applicant was informed of their right of appeal.

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7. **Notice of Temporary Event – Conyers Yard, Station House, Station Yard, Stourbridge**

It was noted that this item had been withdrawn by the applicant prior to the meeting.

The meeting ended at 11.05am

CHAIR

**Minutes of Licensing Sub-Committee 3  
Tuesday 20<sup>th</sup> December, 2022 at 11.10am  
In the Council Chamber, The Council House, Dudley**

**Present:**

Councillor A Taylor (Chair)  
Councillors T Creed and K Finch

**Officers:**

N Slym – Assistant Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm); R Clark – Principal Solicitor and K Taylor – Senior Democratic Services Officer (Directorate of Finance and Legal).

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**8. Declarations of Interest**

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

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**9. Application for a Licensed Premises Gaming Machine Permit – Hollywood Bowl, Unit U100, Merry Hill Centre, Brierley Hill**

A report of the Interim Director of Public Realm was submitted in respect of an application for the grant of a Licensed Premises Gaming Machine Permit for five Category C machines and thirty-five Category D machines at the premises known as Hollywood Bowl, Unit U100, Merry Hill Centre, Brierley Hill.

The following persons were in attendance at the meeting:-

Mr E Macgregor (Solicitor – TLT LLP)

Mr T Stone (Head of Amusements – Original Bowling Company Limited Trading)

Mr D Lewis (Chief Operating Officer - Original Bowling Company Limited Trading).

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council, and it was noted that a map detailing the indicative location of the gaming machines was circulated to the Sub-Committee prior to the meeting.

Mr E Macgregor then presented the case on behalf of Original Bowling Company Limited Trading, and in doing so provided a background to the organisation and the premises, which once operational would provide twenty-four bowling lanes, a bar and dining facilities. The Sub-Committee were advised of the range of policies and procedures implemented by the organisation in dealing with Category C machines including extensive training programmes to ensure that staff were adequately trained, machines located in the correct position; appropriate signage displayed and the monitoring of the working condition of machines.

It was noted that digital Category C machines would be installed which required users to self-certify that they were not underage. All Category C machines would be positioned so that they were visible by all staff from the bar area and could be easily monitored. It was reported that whilst the number of Category D machines appeared excessive, this included a mix of player positions.

## **Resolved**

That, following consideration of the information contained in the report submitted, the grant of a Licensed Premises Gaming Machine Permit for five Category C machines and thirty-five Category D machines at the premises known as Hollywood Bowl, Unit U100, Merry Hill Centre, Brierley Hill, be approved.

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### **10. Application for Grant of Consent to Engage in Street Trading – Frank Smith (Dudley) Ltd – Dudley Town Centre**

A report of the Interim Director of Public Realm was submitted in respect of an application made by Mr M Smith, trading as Frank Smith (Dudley) Ltd for the grant of a consent to engage in street trading in Dudley Town Centre.

The Assistant Team Member (Licensing and Waste Enforcement) informed the Sub-Committee that having spoken to the applicant, there had been some confusion regarding the hearing, and therefore confirmed that he would be unavailable to attend the meeting and requested that the Sub-Committee consider the application in his absence or defer if there were any questions that required further clarification.

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

### **Resolved**

That, following careful consideration of the information contained in the report submitted, the application made by Mr M Smith, trading as Frank Smith (Dudley) Ltd for the grant of a consent to engage in street trading in Dudley Town Centre, be approved.

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11. **Application for House to House Collections Licence – City and Sport (Ukraine)**

A report of the Interim Director of Public Realm was submitted on an application for a House to House Collections Licence received from Clothing Connection Ltd on behalf of City and Sport (Ukraine).

The Assistant Team Member (Licensing and Waste Enforcement) informed the Sub-Committee that notification had been received from the applicant confirming that they would be unavailable to attend the meeting and requested that the Sub-Committee consider the application in their absence.

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

### **Resolved**



That, following consideration of the information contained in the report submitted, and that further information contained in Section 2(f) of the House to House Collection Act 1939 had not been provided, the application for the grant of a House to House Collections Licence in respect of Clothing Connection Ltd on behalf of City and Sport (Ukraine), be refused.

The meeting ended at 11.45am

CHAIR

**Minutes of the Licensing Sub-Committee 4  
Tuesday, 29<sup>th</sup> November, 2022 at 10.00 am  
In the Council Chamber, Council House, Dudley**

**Present:-**

Councillor M Evans (Chair)  
Councillors M Howard and S Greenaway

**Officers:-**

L Rouse – Senior Licensing Clerk (Directorate of Public Realm), R Clark – Solicitor and G Gray – Democratic Services Officer (Directorate of Finance and Legal).

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**1 Declarations of Interest**

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

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**2 Minutes**

**Resolved**

That the minutes of the meeting held on 26<sup>th</sup> April, 2022, be approved, in principal, as a correct record and signed.

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### 3 **Application for Review of a Premises Licence – Dhanda Off Licence and Convenience Store**

A report of the Interim Director of Public Realm was submitted on an application for review of the premises licence in respect of the premises known as Dhanda Off Licence and Convenience Store.

The following were in attendance at the meeting: -

Mrs J Kaur – Premises Licence Holder  
Mr Dubb – SZ Solicitors (Representative)  
Mr R Jones – Environmental Health and Trading Standards  
Mr K Maan – Environmental Health and Trading Standards  
Ms D Jenkins – West Midlands Police  
Ms K Turley – West Midlands Police  
Mr N Slym – Licensing Authority

Following the introductions of those present, the Senior Licensing Clerk – (Licensing and Waste Enforcement) presented the report on behalf of the Council, advising that an application for the review of the premises licence had been received from the Public Protection Manager, Environmental Health and Trading Standards on 6<sup>th</sup> October, 2022. The grounds for the review related to the breach in licensing objectives concerning the prevention of crime and disorder and the protection of children from harm.

It was reported that representations in support of the application for review had been received from Immigration, West Midlands Police, the Licensing Authority and Children and Young People's Safeguarding and Review, together with comments received from a local Ward Member. It was confirmed that copies of the application, together with supporting documentation had been circulated to Members of the Sub-Committee and responsible authorities accordingly.



LSBC4/2

Mr R Jones presented the case on behalf of Environmental Health and Trading Standards and in doing so reported that Trading Standards were the designated Responsible Authority for the purpose of the Licensing Act 2003 and that there had been breaches of disorder and protection and the protection of children from harm at Dhanda Off Licence and Convenience Store.

It was reported that Mrs Kaur held a personal licence issued by Sandwell Borough Council and was the Premises Licence Holder. Mr R Jones – Environment and Trading Standards provided an account regarding a test purchase of alcohol that had been carried out on 30<sup>th</sup> August, 2022 by Dudley MBC Trading Standards Officers, whereby a 16-year-old volunteer purchased a four pack of Strongbow Rose cider without challenge or being requested to provide identification. Following the sale, the seller identified himself and was cautioned by Officers. It was later established that the seller had been Mrs Kaur's brother-in-law.

Arising from the incident, subsequent enquiries were carried out with HM Immigration, which revealed that the seller had been working at the premises illegally.

Mr R Jones – Environment and Trading Standards recommended that the conditions, as set out in the information provided to the Sub-Committee, be imposed.

Further evidence from Trading Standards was provided concerning a complaint received regarding the sale of illegal vapes at the premises. A further visit was carried out, and a cabinet containing vape refills above the legal limit was identified. Subsequently, a caution and an advisory leaflet was issued. Mrs Kaur was present during the visit together with her brother-in-law who she advised had been assisting her only and was not working or employed at the shop.

It was reported that an additional complaint had been received on 24<sup>th</sup> October, 2022 concerning an underage child purchasing reputable branded alcohol, alcohol miniatures and vapes from the premises. In response to a question raised by Mr R Clark – Solicitor, Mrs Kaur confirmed that the alcohol miniatures referred to were not in stock on that date, however, the other branded alcoholic products mentioned were on general sale. Mrs Kaur further commented that on the date of the complaint her husband had been in attendance at the shop and assured her that no sale of the products specified had been made.

Mr R Jones reported that Mrs Kaur had attended an interview with Trading Standards, represented by her Solicitor. Mrs Kaur had made no comment during the interview, however, provided a prepared statement. The statement advised that on 30<sup>th</sup> August, 2022 Mrs Kaur's brother-in-law had been looking after the shop and had been under strict instructions not to sell alcohol and to sell general goods only.

In response to a statement advising that the vapes seized in November, 2022 had been old stock, and which were due to be returned, Mr R Jones – Environment and Trading Standards provided photographic evidence and confirmed that the vapes had been seized on 13<sup>th</sup> July, 2022, however, one of the packets found in November, 2022 had been dated as manufactured after this date.

It was reported that Close Circuit Television (CCTV) footage had also been requested and had not been provided within the required timescale. In response, Mrs Kaur's Solicitor stated that the CCTV footage had been offered to Trading Standards to download as she was unable to do so.

Ms D Jenkins presented the case on behalf of West Midlands Police and in doing so reported that following the information and evidence contained in the application for a review of the licence, on the grounds of the prevention of crime and disorder and the protection of children from harm, was fully supported.



LSBC4/4

Mr N Slym on behalf of the Licensing Authority provided an overview of the incidents and reported that the Licensing Authority had visited the premises on 7<sup>th</sup> September, 2022, when Mrs Kaur's brother-in-law had been the only person in attendance at the premises. Mrs Kaur's brother-in-law stated at that time that he would be working at the store for a few months. The Licensing Authority attended the revisited the premises on 26<sup>th</sup> September, 2022, on this occasion Mrs Kaur explained that her brother-in-law had been at the premises to cover for her medical appointments only.

The Licensing Authority confirmed that CCTV could be seen throughout the shop and that Challenge 25 posters and the premises licence were clearly displayed. Mr N Slym advised that the Licensing Authority supported the application for review and the addition of the conditions suggested by Trading Standards, to be included on the Licence due to the serious breach of the Licensing objectives.

Mr Dubb then presented the case on behalf of the Premises Licence Holder and in doing so advised that Mrs Kaur did not dispute the core issues raised in the review, in that Mrs Kaur's brother-in-law had been helping at the premises due to her ill health and had been her only source of help at the premises. It was confirmed that Mrs Kaur's husband had predominately been responsible for the purchase of goods for the store, however, she also purchased stock on occasions, and that the illegal vapes had been removed from the counter and from sale and were due to be returned. The Solicitor commented that Mrs Kaur had accepted responsibility and was remorseful, however, specified that the sale of alcohol and vapes had not been undertaken by herself.

In response to questions raised, Mrs Kaur confirmed that the vapes in excess of the legal limit had been removed from the counter and locked in a cabinet and were no longer available to be purchased. Should a customer request a larger refill they would be refused. In response Mr R Jones – Environment and Trading Standards provided photographic evidence highlighting the location of the cabinet being immediately under the counter and accessible, albeit being locked.

Mrs Kaur confirmed that she would be able to comply with the recommended conditions, however, the CCTV would take time to be repaired. Upon the request of the Chair, Mrs Kaur provided to the Sub-Committee the refusals register, in which there were entries made from when she had obtained the licence.

In response to a question raised by Mr R Clark – Solicitor, Mrs Kaur explained that she had experienced difficulties with children asking for vapes in 2022, stealing products and damaging the premises, which had resulted in two children being prohibited from the premises, leading to repercussions from their parents.

All parties were then provided with the opportunity to sum-up their case. Following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Upon reconvening, the decision was communicated to all parties, as follows:-

### **Resolved**

- (1) That following careful consideration of the information contained in the report and presented at the meeting, the Premises Licence in respect of the premises known as Dhanda Off Licence and Convenience Store be suspended for a period of three weeks, to enable the Premises Licence Holder to obtain and install CCTV at the premises, with approval from Trading Standards.
- (2) That the following conditions be applied to the premises licence with immediate effect:-
  - (1) **Age Verification** – the premises will operate an age verification policy set at a minimum of ‘Challenge 25’. All staff authorised to sell alcohol will be trained in this policy and without exception adhere to it. Acceptable forms of identification to verify age will only include a passport, photographic driving licence or a Proof of Age Standards Scheme (PASS) such as Citizen Card or equivalent. No other form of identification will be accepted.

- (2) **Advisory Notices** – suitable age restricted advisory and warning notices are to be displayed **(1)** on the main door to the premises **(2)** at the point of sale **(3)** in prominent positions at all points within the premises where alcohol is displayed for sale to the public.
- (3) **Refusals Register** – a register for age restricted products will be maintained at the premises. This can be either a written register or an electronic version. As a minimum, the register will record the date, time and reason for the refusal of sale. All staff working on the premises will know of the existence of the register and will produce it at the time of request by any authorised officer from the Responsible Authority. The PLH, DPS or store manager will review the register once a week ensuring it is completed and accurate and for audit purposes be in a position to corroborate this review in writing or electronically. Failure to continue recording refusals due to a written register being full will be considered a breach of this particular condition.
- (4) **CCTV System** – a CCTV system will be installed at the premises and will record at all times when the premises are open for licensable activities. The equipment will be of such a type as to conform to the specifications set by West Midlands Police. It will record, as a minimum **(1)** those areas within the store where alcohol is displayed to the public and **(2)** the point of sale. The camera views of these areas will remain unobstructed at all times. The CCTV system will show the correct time and date and the equipment itself will be maintained so as to be in good working order.



Daily checks should be made of the CCTV system by a member of staff at the commencement of licensing hours to ensure it is in proper working order. All recorded images are to be stored for a **minimum of 31 days** and made available upon request to any authorised officer from the Responsible Authority. Whilst the premises are open for business during the licensing hours at least one member of staff will always be present who is suitably trained so as to know how to operate the CCTV system. Any CCTV hard drive that is replaced/repaired/renewed will be retained for a minimum of 31 days.

- (5) **Staff Training** – anyone employed to work on the premises who finds themselves on duty during licensable hours of business and being in a position where it is reasonable to expect them to potentially take payment from customers for goods which may include alcohol must have already have completed an initial training programme in relation to the requirements of the Licensing Act 2003. This initial training must include a written test to verify the competency of that person. This initial training must be completed prior to that member of staff being left alone in the store for any period of time whatsoever. Existing employees will undertake refresher training every 12 months, as a minimum. A record of all staff training will be maintained and stored on the premises and produced upon request to an authorised officer from the Responsible Authority.
- (6) **Casual Staff** – during the hours of licensable activity and where any alcohol is visibly on display in the premises for sale to the public, persons who are not formally employed and trained to work at the premises are **NOT** to be left in temporary control regardless of the period of time. In the case of an emergency situation the PLH, DPS or store manager should close the store until a suitable member of staff can be present.

- (7) **Personnel File** – a file shall be maintained and stored at the premise for each member of staff authorised to sell alcohol. As a minimum, this must include proof of identity, date of birth, current home address and National Insurance Number. The only acceptable form of identity and age verification will be a signed copy of passport and/or driving licence. Proof of an address will include a letter from a current utility provider that clearly shows the name of the specific member of staff and not a relative or friend. Personnel files will be produced upon request to any authorised officer from the Responsible Authority.
- (8) **Proxy Sales** – any person suspected of attempting to purchase alcohol for anyone underage shall be refused service and an appropriate entry made within the Refusals Register.

The meeting ended at 12.05pm

CHAIR

**Minutes of the Planning Committee  
Wednesday 16<sup>th</sup> November, 2022 at 6.00 pm  
In the Council Chamber at The Council House, Dudley**

**Present:**

Councillor D Harley (Chair)  
Councillor A Goddard (Vice-Chair)  
Councillors H Bills, D Corfield, P Drake, J Martin, P Miller, W Sullivan and M Westwood.

**Officers:**

J Todd (Development Manager), I Lowe (Principal Planning Officer), P Reed (Principal Planning Officer) (Directorate of Regeneration and Enterprise); G Breakwell (Solicitor) and H Mills (Senior Democratic Services Officer) (Directorate of Finance and Legal).

**Observers:**

Councillor S Saleem – Cabinet Member for Highways and Public Realm  
Councillor Q Zada – Shadow Leader  
Together with approximately 13 members of public

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**31 Apology for Absence**

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

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### 32 **Appointment of Substitute Member**

It was reported that Councillor J Martin had been appointed to serve as a Substitute Member for Councillor E Taylor for this meeting of the Committee only.

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### 33 **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 this meeting.

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### 34 **Minutes**

#### **Resolved**

That the minutes of the meeting held on 12<sup>th</sup> October, 2022, be approved as a correct record and signed.

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### 35 **Plans and Applications to Develop**

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

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

<b><u>Application No.</u></b>	<b><u>Objectors/Supporters who wished to speak</u></b>	<b><u>Agent/Applicant who wished to speak</u></b>
P22/1288	Councillor E Taylor  Mr R Johnson	

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(a) **Planning Application No. P22/1288 – Netherton Park, Activity Centre and Healthy Hub, Greaves Road, Netherton – Creation of Car Park with new access from the highway**

In presenting of the report, the Principal Planning Officer confirmed that should the Committee be minded to approve the application, condition 2, as set out in the report submitted, would be revised to include additional planning references and proposed traffic regulations.

In considering the application, Members took account of the objections raised by the Local Ward Councillor and representative of the Friends of Netherton Park at the meeting, in that an additional car parking facility was not required or desired by residents and users of Netherton park, and that the development would have a detrimental impact to the local amenity and enjoyment of the green space. Concerns were raised that no complaints in relation to the lack of available car parking had been received and that the development would likely increase anti-social behaviour in the area and cause unnecessary disturbance to local residents. Members were also mindful of the development and subsequent maintenance costs that would be incurred in the midst of a cost-of-living crisis, as well as who would be responsible for the ongoing maintenance and management of the site.

Arising from questions raised by the Committee, the Principal Planning Officer confirmed that one Hawthorn tree was proposed to be felled to accommodate the development and that a condition would be attached to the application in that a car parking management plan would need to be approved prior to the car park being used.

**Resolved**

That the application be approved, subject to conditions numbered 1, 3 to 11 (inclusive), as set out in the report and revised condition numbered 2, as outlined below:-

2. The development hereby permitted shall be carried out in accordance with the following approved plans: CE/GT-036/001; CE/GT-036/02; CE/GT-036/03 and Proposed Prohibition of Waiting Drg No TM5318.

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## 36 **Confirmation of Tree Preservation Order**

A report of the Director of Regeneration and Enterprise was submitted for Members to consider whether or not Tree Preservation Order (TPO) TPO/0308/SED – 2 Ladies Walk, Sedgley, as contained in the appendix to the report submitted, should be confirmed with or without modification in light of the objections received.

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

### **Objector who wished to speak**

Mr M Johnson

### **Supporter who wished to speak**

Ms S George-Dempster

In considering the TPO, Members took account of the objections made at the meeting in particular relating to the poor condition of the tree and the suggested seasonal nuisance and risk to local residents from falling debris, particularly during high winds, as well as the impact and damage that the tree had caused to neighbouring fences and drains.

Members also took into account the comments in support of the TPO in that the tree had a positive impact on the local amenity and could be seen from all surrounding streets. It was considered that the tree was in good health and provided habitat for birds and various wildlife, as well as supporting the ecological system.

In responding to questions raised by the Committee, the Principal Planning Officer advised that the Tree Preservation Officer had surveyed the tree and considered it worthy of preservation and that a TPO would not prevent maintenance works being carried out, however that work would be subject to prior consent.

### **Resolved**

That the Borough of Dudley (2 Ladies Walk, Sedgley) (TPO/0308/SED) Tree Preservation Order 2022, as referred to in the Appendix to the report submitted, be confirmed without modification.

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37 **Plans and Applications to Develop (continued)**

- (b) **Planning Application No. P21/2163 – 336 Hagley Road, Stourbridge – Fell and replace 1 no. Redwood (Sequoia) tree**

**Resolved**

That the application be refused for the reasons as set out in the report submitted.

- (c) **Planning Application No. P22/1164 – 42 St James’s Road, Dudley – Conversion of residential care home into 4 no. flats to include first floor side extension. Elevational changes to include new windows and doors and removal of external staircase (resubmission of refused application P22/0225)**

**Resolved**

That the application be approved, subject to conditions numbered 1 to 8 (inclusive), as set out in the report submitted.

- (d) **Planning Application No. P22/1225 – 25 Cottage Street, Kingswinford – Change of Use from residential to care home (C2)**

**Resolved**

That the application be approved, subject to conditions numbered 1 to 4 (inclusive), as set out in the report submitted, and additional condition as outlined below:-

5. Before the use hereby approved begins operating, or within a suitable timeframe to be agreed with the Local Planning Authority, a Management Plan setting out how the premises would be operated shall be 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 and remain operational for the life of the development.

Reason: In the interests of residential amenity and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings.

- (e) **Planning Application No. P22/1274 – Garage Site, Land off Fairfield Road and Swanfield Road, Stourbridge – Construction of 2 no. 3 bedroom houses and 1 no. 1 bedroom bungalow, together with external works, car parking and landscaping**

**Resolved**

That the application be approved, subject to conditions numbered 1 to 19 (inclusive), as outlined in the report submitted.

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The meeting ended at 7.10pm.

CHAIR



**Minutes of the Planning Committee  
Monday 12<sup>th</sup> December, 2022 at 6.00 pm  
In the Council Chamber at The Council House, Dudley**

**Present:**

Councillor D Harley (Chair)  
Councillors H Bills, B Challenor, D Corfield, P Drake, P Miller, W Sullivan,  
E Taylor and M Westwood.

**Officers:**

C Mellor (Head of Planning), J Todd (Development Manager), P Reed (Principal Planning Officer) (Directorate of Regeneration and Enterprise); P Evans (Public Protection Manager) (Directorate of Public Health and Wellbeing), G Breakwell (Solicitor) and K Malpass (Democratic Services Officer) (Directorate of Finance and Legal).

**Observers:**

Councillor S Phipps – Cabinet Member Regeneration and Enterprise  
Councillors M Howard and S Ridley – Coseley East Ward

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**38    Apology for Absence**

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

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39 **Appointment of Substitute Member**

It was reported that Councillor B Challenor had been appointed to serve as a Substitute Member for Councillor A Goddard for this meeting of the Committee only.

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40 **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 this meeting.

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41 **Minutes**

**Resolved**

That the minutes of the meeting held on 16<sup>th</sup> November, 2022, be approved as a correct record and signed.

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42 **Plans and Applications to Develop**

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

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

<b><u>Application No.</u></b>	<b><u>Objectors/Supporters who wished to speak</u></b>	<b><u>Agent/Applicant who wished to speak</u></b>
P22/1485	Councillor P Drake Mr Sheldon	Ms H Rowley

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**Planning Application No. P22/1485 – Playing field rear of 128 – 194 Central Drive, Coseley, Bilston – Provision of permanent traveller's transit site**

Councillor P Drake, in his capacity as Ward Member, made representations and withdrew from the meeting to enable the Committee to make its decision.

In considering the application, Members took into account all of the concerns raised by the objectors, as outlined in the report and as reported at the meeting. It was considered by the objectors that the site was inadequate and unsafe due to the high level of contamination identified on the site and although Members were advised by the Principal Planning Officer that a sufficient level of capping had been used to contain the contamination, concern was raised by the objectors that the site had been deemed inappropriate for housing development. Members were advised by Councillor P Drake that the last in-depth site investigation and gas monitoring had taken place in 1999 and objectors urged Members to listen to what they considered was Government and legal advice on the requirements for Traveller Sites and requested that fresh investigations into land contamination be carried out prior to a decision being made. Members also considered comments by the objectors alleging that the Council had misled residents and Members in relation to the initial proposal to allow temporary permission to use the site as it had been categorised for housing and the site was situated in close proximity to residential properties.

The Committee also took account of the comments made by H Rowley in support of the application in that the Council had a responsibility to provide a transit site to meet the needs of the travelling community and Budden Road had been the only site in the Borough viable to meet appropriate requirements. The site had proved successful due to the significant reduction of illegal encampments across the Borough. Police presence in the area had also reduced significantly due to the positive management of the site and the operation of CCTV, which allowed police resources to be allocated to key areas where high levels of crime had been identified.

Members of the Committee raised concern in relation to the alleged threatening behaviour from people using the site and the risks associated with contaminated land. Members were advised by the Principal Planning Officer that remedial work was conducted, together with appropriate levels of capping installed to prevent pollutants rising to the surface and reassured Members that the site was safe for Travellers. The Principal Planning Officer indicated that the number of illegal encampments had reduced significantly since the transit site had been in operation as it allowed the Council to move camps on quicker.

### **Resolved**

That the application be approved, subject to conditions numbered 1 and 2, as set out in the report submitted.

(At this juncture, Councillor P Drake returned to the meeting).

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#### **43 Planning Services Fees 2023**

A report of the Director of Regeneration and Enterprise was submitted on proposals for the setting of the Council's Building Regulation Fee Scales to take effect from 1<sup>st</sup> January 2023, non-statutory Development Management Charges, and the intention to continue to use the Consumer Prices Index (CPI) for Planning Obligations in accordance with the Council Policy. Following adoption of the Community Infrastructure Levy (CIL) Charging Schedule during 2015/16, regulations required any CIL charges to be index linked to the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors. The report also referred to the fees for the Local Development Order (LDO) and charges for Pre-Application advice to customers.

Members were advised on updates to the report submitted, which were outlined in the pre-committees notes and circulated to the Committee prior to the meeting as follows:-

- Information provided at paragraph three under the heading Planning Obligations should be replaced with the following wording "There has been a delay in acquiring the necessary Consumer Prices Index (CPI) information and this matter will therefore be reviewed in due course and a further report presented to the Planning Committee early 2023.

- The following additional sentence be included at the end of paragraph two under the heading Community Infrastructure Levy (CIL) “For updated fees, see additional Appendix G submitted.”

## **Resolved**

- (1) That the inflationary increase of 2% of the existing Building Control Fee Schedule, as outlined in Appendix B, be endorsed.
- (2) That the continued use of Consumer Price Index in Planning Obligations costings, as outlined in Appendix C, and in accordance with the adopted Supplementary Planning Document (SPD) “Planning Obligations”, be noted.
- (3) That the use for Community Infrastructure Levy (CIL) charges, following adoption of the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors, be noted.
- (4) That the proposed fees for the Local Development Order (LDO), as outlined in Appendix D, be approved.
- (5) That the amended fees for Pre-Application charges, as outlined in Appendix E, be approved.
- (6) That the fee schedule for Development Management Non-Statutory Charges, as outlined in Appendix F, be endorsed.

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### **44 Informal Report on the Enforcement Planning Service**

Members noted information provided by the Planning Development Manager on the operation of the planning enforcement service, including details of an alleged unauthorised development in Halesowen and action taken to resolve the matter.

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### **45 Chair’s Comments**

The Chair wished Members and Officers a Merry Christmas and a Prosperous New Year.

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The meeting ended at 6.33pm.

CHAIR

PC/43

**Minutes of the Meeting of the Taxis Committee  
Thursday 10<sup>th</sup> November 2022 at 6.00 pm  
in Committee Room 2 at the Council House, Dudley**

**Present:**

Councillor B Challenor (Vice-Chair in the Chair)  
Councillors M Aston, R Body, D Harley, P Lee, J Martin, D Stanley and W Sullivan.

**Officers:**

S Smith - Team Manager (Licensing and Waste Enforcement), N Slym – Assistant Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm), N Bangar (Senior Solicitor) and L Jury (Democratic Services Officer)

**Also in attendance**

Mr M Ali (Dudley Taxi and Private Hire Association) for Agenda Item No. 5 – Review of Hackney Carriage Vehicle Policy.  
Mr Aslam (Castle Solicitors) – for agenda items no. 13 and 14  
S Ahmed-Aziz (Solicitor), and G Gray (Democratic Services Officer) – observers

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**47 Apologies for absence**

Apologies for absence from the meeting were submitted on behalf of Councillors A Hopwood and A Lees.

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**48 Appointment of Substitute Member**

It was reported that Councillor W Sullivan had been appointed as Substitute Member for Councillor A Lees, for this meeting of the Committee only.

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49 **Declarations of interest**

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

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50 **Minutes**

**Resolved**

That the minutes of the meeting held on 13<sup>th</sup> October, 2022, be approved as a correct record and signed.

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51 **Review of Hackney Carriage Vehicle Policy**

The Committee received a report of the Interim Director of Public Realm on the amendments to the current Hackney Carriage Vehicle policy relating to the types of vehicle approval required before a Hackney Carriage would qualify to be licensed by the Council and to consider devolving the approval level for different types of vehicles to be suitably authorised as Hackney Carriage Vehicles to the Licensing Team Manager.

The Team Manager (Licensing and Waste Enforcement) presented the report in detail, and in doing so, advised that in accordance with legislation, Dudley Council licenced both hackney carriages and private hire vehicles and the difference service provided by these vehicles was noted.

Reference was made to the Council's current policy in relation to the types of vehicles suitable for licensing as hackney carriages which had been agreed by resolution in 1989 by the then Legal and Property Committee. In addition to the policy, information stated in the Council's hackney carriage handbook, as set out in paragraph 3 of the report, was also presented.



It was noted that since the resolution, a number of different types of vehicles had been approved on application by the Committee and a list of these had been included as Appendix 1 to the report submitted.

It was noted that the Taxi Focus Group had made representations that numbers of hackney carriage vehicles and drivers in the Borough had been reducing partly due to the availability of purpose built new and used hackney carriages for sale. The trade members of the focus group also believed that the restrictive nature of the purpose-built requirement within the council policy had exasperated the situation. Therefore, the group had requested that the Council amend their policy to allow greater choice for prospective hackney carriage proprietors and remove the need of types of vehicles to be specifically authorised by the Committee.

It was noted that the number of licensed hackney carriages nationally had been in decline since 2015, which it was believed had coincided with the introduction of the Deregulation Act 2015 which had allowed sub-contracting of private hire vehicles across borough boundaries and the increase in ride hailing Apps. It was noted that nationally between March 2021 and March 2022 there had been a 3% reduction in licensed hackney carriages outside of London, and in Dudley a 26% reduction.

Reference was made to the 1989 committee resolution which included the requirement for vehicles to be wheelchair complaint which had assisted Dudley maintaining a higher than national average percentage of accessible vehicles in the borough, being 20.6%, and it was noted that this proposal did not seek to remove that provision.

The latest best practice guidelines issued by the Department for Transport (DFT) was then presented.

In concluding, the Team Manager (Licensing and Waste Enforcement) advised that it was proposed that the 1989 resolution wording be replaced with:

“The Council shall allow to be licensed as a hackney carriage any motor vehicle built or adapted to carrying four or more passengers including an occupant of reference size wheelchair (but excluding the driver) provided the vehicle complies with the conditions for hackney carriage vehicles set down in the Council's hackney carriage handbook (vehicle fitness and modifications) and the Council Bye Laws in relation to Hackney Carriage Vehicles (signage and metering). Purpose built hackney carriages that have been designated by the Driver and Vehicle Standards Agency in the vehicle's registration document (V5C) as Hackney carriage vehicles shall only be considered to be licenced as Hackney Carriage Vehicles in order to avoid confusion to the public”.

Mr Ali on behalf of the Dudley Taxi and Private Hire Association advised on a desperate shortage of taxi cabs and it was anticipated that the proposal presented would help address the issue. It was noted that since 2016-2019 most of the current vehicles in use, were no longer made and photographs of models currently available were presented to the Committee. However, the cost of many of the vehicle types presented would not be financially viable in the current economic climate and it was noted that the Association had been requesting a change to the policy for many years. The number of licensed hackney carriages in Dudley was reported, noting that there had been a big reduction from 332 in 2018 to 139 currently, of which 75 were between 15-21 years old. Reference was made to the additional information that had been circulated to the Committee which listed Dudley's hackney carriages by age, type, and current numbers.

Arising from the presentation, in response to a question raised by Councillor J Martin, the Team Manager (Licensing and Waste Enforcement) clarified the Council's position with regard to licensing purpose built hackney carriages and vehicles that had been adapted.

In response to a question raised by Councillor R Body in relation to the likelihood of drivers purchasing the new vehicles or whether a further decline in hackney carriage vehicles was predicted, Mr Ali referred to new Government legislation with regard to taxi charges and commented that drivers would only be able to purchase the more expensive types of vehicles if economically viable. Concerns were raised that there were only 25 vehicles left in Dudley that could travel into Birmingham without having to pay the congestion charge. It was anticipated that a change in the policy as proposed would assist in addressing the issue.

## **Resolved**

- (1) That the Hackney Carriage Vehicles Policy be amended to include the wording, as stated above, and set out in the report submitted.
  - (2) That the requirement for wheelchair accessibility in Hackney Carriage Vehicles to be via the nearside door to the vehicle, be removed from the Council Policy.
  - (3) That the Licensing Team Manager be authorised to decide on the suitability of different types of vehicles to be licensed as Hackney Carriages.
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## **52 Exclusion of the Public and Press**

### **Resolved**

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

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## **53 Application for Review of a Private Hire Driver's Licence – Mr AM**

A report of the Interim Director of Public Realm was submitted to consider the review of the private hire driver's licence issued to Mr AM.

Mr AM was in attendance at the meeting and explained the circumstances surrounding the endorsements on his Driver and Vehicle Licensing Agency (DVLA) mandate and confirmed that he was not carrying passengers when the offences had taken place. It was noted that Mr AM had reported the endorsements to the Licensing Office within the necessary timeframe and, therefore, was not in breach of condition 12 of his private hire driver's licence. He apologised for the incidents that had taken place and assured the Committee that it would not occur again.

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

All parties withdrew from the meeting to enable the Committee to determine the application.

## **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that as the offences were minor traffic offences and that as Mr AM was not carrying passengers when the offences were committed, they were satisfied that he was a fit and proper to hold the licence and a warning was issued regarding his future conduct.

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### **54 Application for Review of a Private Hire and Hackney Carriage Driver's Licence – Mr MRJ**

A report of the Interim Director of Public Realm was submitted to consider the application for the review of a private hire and hackney carriage driver's licences on behalf of Mr MRJ.

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

Mr Hussain, on behalf Mr MRJ, confirmed that Mr MRJ had been working for him in excess of three years and that no complaints from passengers had been received and recent family circumstances were also acknowledged. Reference was made to the circumstances surrounding the endorsements on Mr MRJ's Driver and Vehicle Licensing Agency (DVLA) mandate and confirmed that there were no passengers present when the offences had occurred. It was noted that Mr MRJ had reported the endorsements to the Licensing Office within the necessary timeframe and, therefore, was not in breach of condition 12 of his private hire driver's licence or condition 2 of his hackney carriage driver's licence. Mr MRJ apologised for the incidents that had taken place and assured the Committee that it would not occur again.

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

All parties withdrew from the meeting to enable the Committee to determine the application.

## **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that as the offences were minor traffic offences and that as Mr MRJ was not carrying passengers when the offences were committed, they were satisfied that he was a fit and proper to hold the licence and a warning was issued regarding his future conduct.

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### **55 Application for Grant of a Private Hire Driver's Licence – Mr MH**

A report of the Interim Director of Public Realm was submitted to consider the application for the grant of a private hire driver's licence on behalf of Mr MH.

Mr MH was in attendance at the meeting, together with his daughter-in-law.

Mr MH gave a detailed explanation of the circumstances surrounding the offences highlighted in his enhanced Disclosure and Barring Service (DBS) certificate and as outlined in the report, which he had failed to declare on his application form as he had believed that the offence had been dismissed. Although Mr MH acknowledged that he had paid a fine, he had been unaware that this needed to be declared as he did not think it would have been included on the DBS, especially as the offence committed had taken place a significant time ago and had related to a family situation. It was noted that Mr MH had spent a total of 34 years as a private hire driver in Dudley and was still licensed in Birmingham, and that the omission on his application form had been a genuine misunderstanding for which he was very remorseful.

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

All parties withdrew from the meeting to enable the Committee to determine the application.

## **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the passage of time since the conviction, they were satisfied that Mr MH was a fit and proper person to hold a licence and therefore a Private Hire Driver's Licence be granted, and that Mr MH be warned about declaring future convictions.

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## 56 **Application for Grant of a Private Hire Driver's Licence – Mr HJ**

A report of the Interim Director of Public Realm was submitted to consider the application for the grant of a private hire driver's licence on behalf of Mr HJ.

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

Mr Hussain, on behalf of Mr HJ, explained the circumstances surrounding the offences highlighted on the enhanced Disclosure and Barring Service (DBS) certificate, and as outlined in the report. It was commented that although Mr HJ had declared some offences on the application form, he had failed to declare other convictions as he had misunderstood what had been a conviction and what had not and that this had been a genuine mistake. It was commented that he was a new driver and did not understand the procedure to be followed. Mr HJ commented that the offences had taken place a few years ago and it was his desire now to turn his life around and support his family and as his father was a driver for the company he would be driving for, his father would be able to guide him.

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

All parties withdrew from the meeting to enable the Committee to determine the application.

### **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Guidance, the Committee determined that Mr HJ was not a fit and proper person to hold a licence due to the serious nature of his recent convictions, as outlined in the report, and therefore, the application for the grant of a Private Hire Driver's Licence, be refused.

Mr HJ was informed of his right to appeal the decision.

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## 57 **Application for Grant of a Private Hire Driver's Licence – Mr SS**



A report of the Interim Director of Public Realm was submitted to consider the application for the grant of a private hire driver's licence on behalf of Mr SS.

Mr SS was in attendance, together with his wife.

Mr SS explained the circumstances surrounding the offences highlighted on the enhanced Disclosure and Barring Service (DBS) certificate, and as outlined in the report, and referred to the offences that had not been declared on the application form and explained the circumstances relating to the condition of the certificate when first submitted which had been folded over and concealed some convictions. Mr SS advised that this had been a genuine mistake, and in both circumstances, he had not deliberately intended to deceive the Licensing Department.

Mr SS submitted to the Committee, medical information to evidence that he had not drank alcohol for many years and apologised sincerely for his past actions.

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

All parties withdrew from the meeting to enable the Committee to determine the application.

## **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the passage of time since the last and recent conviction, together with the medical evidence provided, which the Committee found sufficiently compelling to enable it to depart from the Standards, the Committee were satisfied that Mr SS was a fit and proper person to hold a licence and therefore the Private Hire Driver's License be granted. Mr SS was warned about declaring future convictions.



A report of the Interim Director of Public Realm was submitted to consider the application for the grant of a private hire driver's licence on behalf of Mr SKD.

Mr SKD was in attendance, together with his representative Mr Aslam.

Mr Aslam, on behalf of his client, gave a detailed explanation as to the circumstances surrounding the driving conviction, and in doing so, stated that it had not been his client's intention to deliberately drive another vehicle without valid insurance as his client had genuinely believed that he had been insured to drive his friend's car on his own fully comprehensive insurance, however changes to insurance policies, had resulted in Mr SKD not being insured to drive another vehicle third party.

In referring to Mr SKD's previous conduct whilst licensed with Wolverhampton City Council, as outlined in Appendix 1 to the report, Mr Aslam gave a detailed explanation surrounding the circumstances of the offence, stating that his client's sister had assisted him in submitting his original application to Wolverhampton City Council. Subsequently, she had left the family home and his client when applying for a renewal for his licences, had mistakenly only applied for a renewal for himself and not for his vehicle. This had been a genuine human error which had already cost his client significantly as he had received a ban from driving for Wolverhampton City Council for some years and he assured the Committee that his client had taken appropriate action to ensure that this issue would not occur again. Comments received from Mr SKD's previous Taxi employers with regard to his satisfactory conduct were noted.

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

All parties withdrew from the meeting to enable the Committee to determine the application.

## **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee were satisfied by a majority decision, that Mr SKD was a fit and proper person to hold a licence given the explanation provided and since the sufficient passage of time since the relevant conviction, therefore, a Private Hire Driver's Licence be granted to Mr SKD.

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59 **Application for Grant of a Private Hire and Hackney Carriage Driver's Licences – Mr MS**

A report of the Interim Director of Public Realm was submitted to consider the application for the grant of a private hire and hackney carriage driver's licences on behalf of Mr MS.

Mr Aslam, Castle Solicitors, addressed the Committee prior to the hearing to state that although he was not representing Mr MS at the Committee, he had attended the interview with Mr MS and Dudley's Licensing Officers and wished to bring the Committee's attention to the following information.

Having read the report submitted, Mr Aslam wished to raise a concern in relation to information in the report that referred to a contradiction to Mr MS's account of the offence, which had been given at the interview. Mr Aslam advised that, at the interview, he had raised a concern with the Licensing Officer's that the interpreter assisting Mr MS was not interpreting accurately and was confusing Mr MS and the dialect used was not the right one. Mr Aslam, summarised at the interview, that Mr MS had accepted that the mistake had been his mistake and not by his sister-in-law, who had assisted him in completing the application form, and that he had mistakenly believed that he did not have to declare his convictions as they had been committed over 5 years ago.

Mr MS was in attendance, along with his sister-in-law who would be representing him at the Committee.

Mr MS's representative explained the circumstances surrounding the omission of an offence on the application form that Mr MS had submitted, advising that she had assisted Mr MS in completing the form, and Mr MS believed that he did not have to declare the offences as they had been committed longer than 5 years ago and that he genuinely believed that he did not have to declare them. It was advised that Mr MS had been a taxi driver in Wolverhampton for 35 years and this had been the only job he had ever done, and he sincerely apologised for the mistake he had made.

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

All parties withdrew from the meeting to enable the Committee to determine the application.

## **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided at the meeting, they were satisfied Mr MS was a fit and proper person to hold a licence and therefore, the Private Hire and Hackney Carriage Driver's Licences be granted to Mr MS.

### **60     Application for Review of a Private Hire Operators Licence, Private Hire and Hackney Carriage Driver's Licences – Mr AH.**

A report of the Interim Director Public Realm was submitted to consider the application for a review of a private hire operator's licence and a private hire and hackney carriage driver's licences for Mr AH. The Chair was of the opinion that this item of business should be considered as a matter of urgency, pursuant to Section 100B(4)(b) of the Local Government Act 1972, in view of information received from the West Midlands Police.

Mr AH was in attendance.

The Team Manager (Licensing and Waste Enforcement) advised the Committee that as Mr AH had only been given notice on 8<sup>th</sup> November that his licences were under review and he had only received the papers to attend before the Committee yesterday afternoon, he was unable to arrange legal representation to attend the Committee and, therefore, a deferral was requested to enable Mr AH to attend a hearing with legal representation present.

## **Resolved**

In view of the circumstances in relation to the case, the Committee resolved that consideration of the application for the review of a Private Hire Operator's Licence and Private Hire and Hackney Carriage Driver's Licences to Mr AH, be deferred to enable Mr AH to arrange legal representation and that the Interim Director of Public Realm be delegated to consider the application in view of the urgency to review the application due to the serious nature of the case.

The meeting ended at 9.00pm.

CHAIR

**Minutes of the Meeting of the Taxis Committee  
Thursday 8<sup>th</sup> December 2022 at 6.00 pm  
in Committee Room 2 at the Council House, Dudley**

**Present:**

Councillor A Hopwood (Chair)  
Councillor B Challenor (Vice-Chair)  
Councillors M Aston, R Body, D Harley, P Lee, A Lees, J Martin and D Stanley.

**Officers:**

N Slym – Assistant Team Manager (Licensing and Waste Enforcement)  
(Directorate of Public Realm), S Wright (Solicitor) and G Gray (Democratic  
Services Officer)

**Also in attendance**

L Jury (Democratic Services Officer) – observer

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**61 Declarations of interest**

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

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**62 Minutes**

**Resolved**

That the minutes of the meeting held on 10<sup>th</sup> November, 2022, be  
approved as a correct record and signed.

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63 **Exclusion of the Public and Press**

**Resolved**

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

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64 **Application for Review of a Private Hire Driver's Licence – Mr JA**

A report of the Interim Director of Public Realm was submitted to consider the review of the private hire driver's licence issued to Mr JA.

Mr JA was not in attendance at the meeting, however, notification had been received that he had appealed the endorsements on his Driver and Vehicle Licensing Agency (DVLA) mandate as outlined in paragraph 4 of the report submitted.

In light of this information, it was

**Resolved**

That the review of the Private Hire Driver's Licence issued to Mr JA be deferred pending the outcome of his appeal at the Magistrates Court.

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65 **Application for Review of a Private Hire Driver's Licence – Mr AM**

A report of the Interim Director of Public Realm was submitted to consider the review of the private hire driver's licence issued to Mr AM.

Mr AM was in attendance at the meeting and explained the circumstances surrounding the endorsements on his Driver and Vehicle Licensing Agency (DVLA) mandate his failure to declare points and breach of condition 12 of his private hire driver's licence.

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

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

## **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee were of the view that the Private Hire Licence issued to Mr AM be suspended for one month and due to the serious nature of the matter and in particular that public safety had been compromised this would be with immediate effect, in accordance with Section 61(1)(b) and Section 61(2B) of the Local Government (Miscellaneous) Act 1976, as the Committee determined that by virtue, the endorsement on the DVLA mandate, his failure to declare points and breach of condition 12, amounted to reasonable cause to show that Mr AM was no longer a fit and proper person to hold a licence.

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

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### **66    Application for Grant of a Private Hire Driver's Licence – Mr MAZ**

A report of the Interim Director of Public Realm was submitted to consider the application for the grant of a private hire driver's licence on behalf of Mr MAZ.

Mr MAZ was in attendance at the meeting and made representations in support of his application and responded to questions asked regarding the conviction outlined in paragraph 5 of the report submitted.

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

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

## **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided surrounding the relevant conviction at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee were satisfied that Mr MAZ was a fit and proper person, therefore, the Private Hire Driver's Licence be granted.

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### **67 Application for Grant of a Private Hire Driver's Licence – Mr AMAM**

A report of the Interim Director of Public Realm was submitted to consider the application for the grant of a private hire driver's licence on behalf of Mr AMAM.

Mr AMAM was in attendance at the meeting and made representations in support of his application and responded to questions asked regarding his failure to declare on application the conviction outlined in paragraph 5 of the report submitted.

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

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

## **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that there had been a sufficient passage of time of the relevant conviction, therefore, the Committee were satisfied that Mr AMAM was a fit and proper person and the Private Hire Driver's Licence be granted.

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### **68 Application for Grant of a Private Hire Driver's Licence – Mr MA-U-R**

A report of the Interim Director of Public Realm was submitted to consider the application for the grant of a private hire driver's licence on behalf of Mr MA-U-R.



Mr MA-U-R was in attendance at the meeting and made representations in support of his application and responded to questions asked regarding the convictions outlined in paragraph 4 of the report submitted.

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

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

### **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided, the Committee were satisfied Mr MA-U-R was a fit and proper person to hold a licence, therefore, the Private Hire Driver's Licence be granted to Mr MA-U-R and a warning be issued regarding his future conduct.

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## **69 Application for Review of a Private Hire Driver's Licence – Mr MA**

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

Mr MA was not in attendance at the meeting, however, written consent had been submitted for the Committee to consider the application in his absence. The Committee therefore agreed to consider the application in the absence of Mr MA.

The Assistant Team Manager outlined the report and explained the circumstances surrounding Mr MA's disqualification from driving for a period of six months.

The Solicitor provided legal advice in relation to the case and it was,

### **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined in pursuance of Part II Section 61(1)(b) and (2B) of the Local Government (Miscellaneous Provisions) Act 1976 that the circumstances surrounding Mr MA's disqualification from driving, as outlined in the report ,amounted to reasonable cause to show he was no longer a fit and proper person to hold a licence and therefore the private hire drivers licence issued to him be revoked.

The Committee further resolved that as Mr MA had been disqualified from driving by the DVLA and therefore in the interests of public safety the revocation of his licence under this section shall take immediate effect

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

The meeting ended at 7.55pm.

CHAIR

**Minutes of the Meeting of the Taxis Committee  
Thursday 12<sup>th</sup> January 2023 at 6.00 pm  
in Committee Room 4 at the Council House, Dudley**

**Present:**

Councillor A Hopwood (Chair)  
Councillor B Challenor (Vice-Chair)  
Councillors M Aston, R Body, P Lee, J Martin and W Sullivan.

**Officers:**

S Smith - Team Manager (Licensing and Waste Enforcement), N Slym – Assistant Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm), S Ahmed-Aziz, (Solicitor) and L Jury (Democratic Services Officer)

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**70 Apologies for Absence**

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Apologies for absence were received on behalf of Councillors D Harley and A Lees.

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**71 Appointment of Substitute Members**

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

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**72 Declarations of interest**

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

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73 **Minutes**

**Resolved**

That the minutes of the meeting held on 8<sup>th</sup> December, 2022, be approved as a correct record and signed.

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74 **Questions Under Council Procedure Rule 11.8**

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

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75 **Exclusion of the Public and Press**

**Resolved**

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

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76 **Application for Review of a Private Hire Driver's Licence – Mr ID**

A report of the Interim Director of Public Realm was submitted to consider the review of the private hire driver's licence issued to Mr ID.

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

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

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

## **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that as the offences were minor traffic offences, and that as Mr ID had not been carrying passengers when the offences were committed, the Committee were satisfied that Mr ID was a fit and proper person to hold a licence, therefore the Private Hire Driver's Licence be granted and a warning be issued regarding his future conduct.

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### **77 Application for Grant of a Private Hire Driver's Licence – Mr AS**

A report of the Interim Director of Public Realm was submitted to consider the grant of a private hire driver's licence to Mr AS.

Mr AS was not in attendance at the meeting and the Team Manager (Licensing and Waste Enforcement) explained that Mr AS had requested that his application be deferred in order for him to arrange Legal Representation.

## **Resolved**

That consideration of the application for the grant of a Private Hire Driver's Licence to Mr AS be deferred to the next meeting, in order for Mr AS to arrange Legal Representation.

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### **78 Application for Grant of a Private Hire Driver's Licence – Mr NKJ**

A report of the Interim Director of Public Realm was submitted to consider the application for the grant of a private hire driver's licence to Mr NKJ.

Mr NKJ was in attendance at the meeting together with his representative Mr MN.

Mr MN made representations in support of Mr NKJ's application, and both responded to questions raised by Members in relation to the conviction outlined in paragraph 4 of the report submitted.

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

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

### **Resolved**

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

Mr NKJ was informed of his right to appeal the decision.

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### 79 **Application for Grant of a Private Hire Driver's Licence – Mr SMC**

A report of the Interim Director of Public Realm was submitted to consider the application for the grant of a private hire driver's licence to Mr SMC.

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

Mr MN made representations in support of Mr SMC's application, and both responded to questions raised by Members in relation to Mr SMC's previous convictions as outlined in paragraph 4 of the report submitted.

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

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

### **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that there had been sufficient passage of time since the last and recent conviction, and together with the fact that no physical violence had taken place, which the Committee found sufficiently compelling to enable them to depart from the Standards, the Committee therefore, were satisfied that Mr SMC was a fit and proper person to hold a licence and a Private Hire Driver's License be granted.

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80 **Application for Grant of a Private Hire Driver's Licence – Mr SM**

A report of the Interim Director of Public Realm was submitted to consider the application for the grant of a private hire driver's licence to Mr SM.

Mr SM was in attendance at the meeting together with his daughter.

Both Mr SM and his daughter made representations in support of Mr SM's application and responded to questions asked regarding the results of Mr SM's knowledge tests as outlined in paragraph 4 of the report submitted.

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

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

**Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that Mr SM was not a fit and proper person as not enough time had passed between each test attempt and not enough progress had been made, therefore, Mr SM would not be allowed to attempt another knowledge test until sufficient time had passed and Mr SM could be confident that better progress would be made.

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81 **Application for Review of a Private Hire Driver's Licence – Mr SH**

A report of the Interim Director of Public Realm was submitted to consider the application for a review of the private hire driver's licence issued to Mr SH. The Chair was of the opinion that this item of business should be considered as a matter of urgency, pursuant to Section 100B(4)(b) of the Local Government Act 1972, in view of information received from the West Midlands Police.

Mr SH was not in attendance at the meeting, however, the Team Manager (Licensing and Waste Enforcement), advised that he had been informed that Mr SH would not be attending the meeting to make representations. Due to the circumstances surrounding the case, the Committee agreed to consider the application in the absence of Mr SH.

The Assistant Team Manager presented the report outlining the information submitted by West Midlands Police with regard to Mr SH's recent offences.

The Solicitor provided legal advice in relation to the case and it was,

### **Resolved**

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that the circumstances surrounding Mr SH's recent arrest and charges for serious criminal offences, as outlined in the report, amounted to reasonable cause to show he was no longer a fit and proper person to hold a licence and therefore, the private hire driver's licence issued to Mr SH be revoked with immediate effect in the interests of public safety.

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

The meeting ended at 7.30pm.

CHAIR



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**1.****Delegated Decision Summary****Exempt**

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Ian Bevan**Authorised By** Councillor Ian Bevan, Cabinet Member for Public Health and Wellbeing**In Consultation With** Mayada Abu-Affan, Acting Director of Public Health and Wellbeing**Ward(s) Affected** All**Date of Decision** 26 January 2023**Reference** DPH/01/2023**New permanent Community Development Team Leader post within Healthy Communities Team in Public Health**

The cabinet member for Public Health and Wellbeing is asked to make a decision on:

- Creating a new permanent post of Community Development Team Leader within the Healthy Communities Team (Public Health) by removing a Health Improvement Practitioner (HIP) post and reducing the Senior Health Improvement Practitioner (SHIP) hours.

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**2.****Delegated Decision Summary****Exempt**

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor R Buttery**Authorised By** Councillor R Buttery, Cabinet Member for Children and Young People**In Consultation With** Catherine Driscoll, Director of Children's Services**Ward(s) Affected** All**Date of Decision** 05 January 2023**Reference** DCS/01/2023**Family Hubs and Start for Life Programme**

Decision required to go over establishment to create several additional posts that will support the transformation and delivery of the Family Hub programme. All posts will be fixed term up until April 2025. The following posts will be required to drive this programme of work forward:

- 5 FTE Family Hub Co-ordinator posts (Grade 10) within Family Solutions to provide line management and coordination for the new family hub integrated teams
- 15 FTE Family Hub Practitioner posts (Grade 6) within Family Solutions to provide universal and non-casework early help to families including delivery of evidence-based interventions, group and one to one
- 5 FTE Business Support Officer posts (Grade 4) to provide additional capacity to support front of house provision across the Family Hub Network
- 1 FTE Data Analyst (Grade 10) to provide additional capacity to develop implement required MIS reporting expectations
- 1 FTE Communication Officer (Grade 9) to provide additional capacity within CAPA to deliver the communication strategy surrounding Family Hubs Programme

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**3.****Delegated Decision Summary****Exempt**

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor R Buttery**Authorised By** Councillor R Buttery, Cabinet Member for Children and Young People**In Consultation With** Catherine Driscoll, Director of Children's Services**Ward(s) Affected** All**Date of Decision** 05 January 2023**Reference** DCS/02/2023**Academy Order for St Mary's CofE (VC) Primary School**

Approve the conversion of St Mary's CofE (VC) Primary, a maintained (voluntary controlled) Primary school, into an Academy with effect from 1st Feb 2023 or within 14 calendar days of that date, where the delay has no adverse effect on the Council or the School.

Approve the signing of a Commercial Transfer Agreement which transfers assets from the Council to the Elements Diocesan Learning Trust, inclusive of any amendments recommended by the Council's Solicitor and agreed prior to it being signed.

Approve the Council entering into a 125 Year peppercorn lease for the part of the site owned by the Council with Elements Diocesan Learning Trust.

Approve the TUPE transfer of personnel from the employment of the Council to the employment of the Elements Diocesan Learning Trust, under the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by The Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (TUPE)

Approve the making of any other agreements to facilitate the transfer.

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**4.****Delegated Decision Summary****Exempt**

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor R Buttery**Authorised By** Councillor R Buttery, Cabinet Member for Children and Young People**In Consultation With** Catherine Driscoll, Director of Children's Services**Ward(s) Affected** All**Date of Decision** 17 January 2023**Reference** DCS/04/2023**Mainstream Schools Funding Formula: Funding Arrangements for 2023/24**

To approve Dudley's local funding formula for mainstream schools for 2023/24.

5.

Delegated Decision Summary

Exempt

Yes No

	<b>X</b>
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**Decision Made By** Councillor Steve Clark**Authorised By** Councillor Steve Clark, Deputy Leader (Finance, Legal and Procurement)**In Consultation With** Iain Newman, Director of Finance and Legal (Section 151 Officer)**Ward(s) Affected** All**Date of Decision** 15 November 2022**Reference** DFL/07/2022Household Support Fund 3 – Application Element Process

To agree the proposed Household Support Fund Scheme 3 application element process as set out at paragraph 9 and to authorise the Director of Finance and Legal to amend thresholds if required to ensure utilisation of funds as set out at paragraph 11.

6.

Delegated Decision Summary

Exempt

Yes No

<b>X</b>	
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**Decision Made By** Councillor Natalie Neale**Authorised By** Councillor Natalie Neale, Cabinet Member for Adult Social Care**In Consultation With** Matt Bowsher, Director of Adult Social Care**Ward(s) Affected** All**Date of Decision** 19 December 2022**Reference** DAS/01/2023Policy Services – Integrated Commissioning Hub

To approve the deletion of two policy officer posts in the Integrated Commissioning Hub (ICH) development.

7.

Delegated Decision Summary

Exempt

Yes No

	<b>X</b>
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**Decision Made By** Councillor S Phipps**Authorised By** Councillor S Phipps, Cabinet Member for Regeneration and Enterprise**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** Netherton, Woodside &  
St.Andr**Date of Decision** 02 December 2022**Reference** DRE/26/2022APPROPRIATION OF FORMER SITES OF 209-211 AND 213 STOURBRIDGE ROAD, DUDLEY

1.1 That the former sites of 209-211 and 213 Stourbridge Road, Dudley be appropriated from Legal and Property to the purposes of Public Open Spaces Act 1906 to be included within Woodside Park.

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

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor S Phipps**Authorised By** Councillor S Phipps, Cabinet Member for Regeneration and Enterprise**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** Castle & Priory**Date of Decision** 13 December 2022**Reference** DRE/27/2022**Delivery of a Higher Education Building on Castle Hill funded by Towns Fund Grant**

1.1 To provide delegated authority for the Director of Regeneration & Enterprise to appoint the members of the Alliance Board to deliver the higher education building using an insurance-backed Alliancing Construction Contract.

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**9.****Delegated Decision Summary****Exempt**

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor S Phipps**Authorised By** Councillor S Phipps, Cabinet Member for Regeneration and Enterprise**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** All**Date of Decision** 21 December 2022**Reference** DRE/28/2022**Fees and Charges for 2023-25 for Culture, Leisure and Bereavement Services**

1.1 That the scale of charges attached as appendices documents be approved for the following services:

- Bereavement
- Leisure Centres
- Borough Halls
- Himley Hall

For Museums, we are not currently in the position to set fees and charges due to renovation works and unknown cost increases. Prices will remain the same as 2022/23 until they can be reviewed.

That the Head of Culture, Leisure and Bereavement Services and Service Managers be authorised to allow variations to the approved list of fees and charges to cover incidents of reduced service levels, block bookings, sales promotions, social inclusion programmes and charitable events.

10.

Delegated Decision Summary

Exempt

Yes No

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Decision Made By** Councillor S Phipps**Authorised By** Councillor S Phipps, Cabinet Member for Regeneration and Enterprise**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** Wollaston & Stourbridge Town**Date of Decision** 22 December 2022**Reference** DRE/29/2022**The closure of the cafe at the Crystal Leisure Centre, Stourbridge**

To close the café at Crystal Leisure Centre to members of the public by 31 January 2023 due to financial performance.

11.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Shaz Saleem**Authorised By** Councillor Shaz Saleem, Cabinet Member for Highways and Public Realm**In Consultation With** Andy Vaughan, Interim Director of Public Realm**Ward(s) Affected** All**Date of Decision** 17 November 2022**Reference** DPR/18/2022**SUSPENSION OF CAR PARKING CHARGES - CHRISTMAS 2022**

That the Council suspend parking charges on Saturday the 16th and Saturday the 23rd December 2022 on all council controlled car parks and a third date from 4pm onwards as follow: -

Halesowen - 19th November (Christmas light switch on)

Sedgley - 20th November (Christmas light switch on)

Stourbridge - 26th November (Christmas light switch on)

Kingswinford - 2nd December (Christmas light switch on)

Dudley - 3rd December (Christmas light switch on)

Brierley Hill - 3rd December (Christmas light switch on)

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**12.****Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor Shaz Saleem**Authorised By** Councillor Shaz Saleem, Cabinet Member for Highways and Public Realm**In Consultation With** Andy Vaughan, Interim Director of Public Realm**Ward(s) Affected** Netherton, Woodside &  
St.Andr**Date of Decision** 17 November 2022**Reference** DPR/21/2022**ROAD NAMING - OFF SWAN STREET - ARLEY RISE**

That the road identified on plan T&T/D/RN/253 - Appendix 1 - is to be named Arley Rise.

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**13.****Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor Shaz Saleem**Authorised By** Councillor Shaz Saleem, Cabinet Member for Highways and Public Realm**In Consultation With** Andy Vaughan, Interim Director of Public Realm**Ward(s) Affected** Sedgley**Date of Decision** 17 November 2022**Reference** DPR/20/2022**ROAD NAMING - OFF BEACON RISE - THE CREST**

That the road identified on plan T&T/D/RN/252 (Appendix 1) is to be named The Crest.

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**14.****Delegated Decision Summary****Exempt**

Yes No

☐ ☒**Decision Made By** Councillor Shaz Saleem**Authorised By** Councillor Shaz Saleem, Cabinet Member for Highways and Public Realm**In Consultation With** Andy Vaughan, Interim Director of Public Realm**Ward(s) Affected** Wollaston & Stourbridge Town**Date of Decision** 17 November 2022**Reference** DPR/19/2022**ROAD NAMING - OFF LOWNDES ROAD - ASHFORDS GROVE**

That the road identified on plan T&T/D/RN/251 - Appendix 1 - is to be named Ashfords Grove.

15.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Shaz Saleem**Authorised By** Councillor Shaz Saleem, Cabinet Member for Highways and Public Realm**In Consultation With** Andy Vaughan, Interim Director of Public Realm**Ward(s) Affected** All**Date of Decision** 08 December 2022**Reference** DPR/22/2022INTRODUCTION OF PROPOSED TROs - ANNUAL TRO PROGRAMME 2022/23

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

The Borough Council Of Dudley (2022/23 TRO) (Prohibition And Restriction Of Waiting And Loading, No Stopping On Entrance Markings, Disabled Parking Places And Parking Places) (Numbers 3,4,5,6 And 7 Order Type) (Stourbridge, Halesowen, Central Dudley, North Dudley And Brierley Hill Areas) Order 2022.

The Borough Council of Dudley (A4123 Birmingham New Road, Tipton) (Prohibition of U Turn) Order 2022.

16.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Shaz Saleem**Authorised By** Councillor Shaz Saleem, Cabinet Member for Highways and Public Realm**In Consultation With** Andy Vaughan, Interim Director of Public Realm**Ward(s) Affected** All**Date of Decision** 21 December 2022**Reference** DPR/23/2022ADVISORY ON-STREET DISABLED PARKING PLACES

To adopt a clearly defined policy for the provision of Advisory On Street Disabled Parking Places within the Borough and to define the basis on which a decision to provide these parking places will be made by officers.

To confirm an application assessment fee of £100.

To confirm the Disabled Parking Place will be provided for the time period of the Blue Badge and an extension fee of £10 will be charged for the bay to be retained.

To comply with the Equality Act 2010 and adopt a policy for existing streets that is more in line with the Dudley MBC Planning Guidance.

17.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor D Stanley**Authorised By** Councillor D Stanley, Cabinet Member for Regeneration and Enterprise**In Consultation With** Helen Martin, Director of Regeneration and Enterprise**Ward(s) Affected** All**Date of Decision** 24 January 2023**Reference** DRE/01/2023Caretakers Accommodation Rent Increase 2023/24

1.1 To increase the rent paid by school caretakers' resident in properties owned by the Council with effect from 1 April 2023.

18.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Laura Taylor-Childs**Authorised By** Councillor Laura Taylor-Childs, Cabinet Member for Housing and Communities**In Consultation With** Kathryn Jones, Director of Housing and Communities**Ward(s) Affected** All**Date of Decision** 16 November 2022**Reference** DOH/07/2022Houses in Multiple Occupation (HMO) Standards 2022

To adopt updated standards for Houses in Multiple Occupation (known as HMOs).

19.

Delegated Decision Summary

Exempt

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Decision Made By** Councillor Laura Taylor-Childs**Authorised By** Councillor Laura Taylor-Childs, Cabinet Member for Housing and Communities**In Consultation With** Kathryn Jones, Director of Housing and Communities**Ward(s) Affected** Cradley and Wollescote**Date of Decision** 16 November 2022**Reference** DOH/08/2022Serving of Section 16 notices in relation to the proposed compulsory purchase order for the redevelopment of 122 – 128 Colley Gate

Approval for the Director of Housing & Communities to issue Section 16 requests for information to landowners who may be affected by the Council's proposed compulsory purchase order for the redevelopment of 122 to 128 Colley Gate, pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.



**Decision Made By** Councillor Laura Taylor-Childs

**Authorised By** Councillor Laura Taylor-Childs, Cabinet Member for Housing and Communities

**In Consultation With** Kathryn Jones, Director of Housing and Communities

**Ward(s) Affected** All

**Date of Decision** 16 January 2023

**Reference** DOH/01/2023

**Charging Policy for Private Sector Enforcement - Revision of Licence Fees for Houses in Multiple Occupation**

To agree the increase in officer hourly rate for the calculation of fees and charges.

To remove discounts.

To adopt a two-stage fee structure for Houses in Multiple Occupation (HMO) Licensing and set fees based on officer time.