

**Meeting of the Future Council Scrutiny Committee
Thursday, 15th July, 2021 at 6.00pm**

in the Town Hall (access from St. James's Road), Dudley

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**Agenda - Public Session
(Meeting open to the public and press)**

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 9th June 2021 as a correct record.
5. Public Forum
6. Black Country Plan – Approval of Draft Plan for Consultation
7. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).





Chief Executive

Dated: 7th July, 2021

Distribution:

Councillor A Lees (Chair)

Councillor E Lawrence (Vice-Chair)

Councillors S Ali, C Barnett, D Corfield, J Cowell, A Davies, P Dobb, J Foster, Z Islam, J Roberts, M Rogers and S Saleem.

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**Minutes of the Future Council Scrutiny Committee
Wednesday 9th June, 2021 at 6.00 pm
In the Council Chamber, Council House, Dudley**

Present:

Councillor A Lees (Chair)
Councillor E Lawrence (Vice-Chair)
Councillors S Ali, C Barnett, D Corfield, J Cowell, A Davies, P Dobb, J Foster, Z Islam,
J Roberts, M Rogers and S Saleem.

Officers:

B Heran (Deputy Chief Executive), H Martin (Director of Regeneration and Enterprise),
I Newman (Director of Finance and Legal), S Griffiths (Democratic Services Manager) and
K Taylor (Democratic Services Officer)

Also in Attendance:

Councillor P Harley (Leader of the Council), Councillor Q Zada (Opposition Group Leader)
Councillor I Kettle (Cabinet Member for West Midlands Combined Authority)
Councillor S Phipps (Cabinet Member for Regeneration and Enterprise)

S Cooper (Head of Corporate Landlord Services) and H Coldicott (Team Manager – Facilities
Management) – for Minute No. 7 below

A Paul (Head of Chief Executive's Office) and C Blunn (Corporate Performance Manager) –
for Minute No. 8 below

1 **Comments of the Chair**

The Chair welcomed everyone to the first meeting of the Future Council Scrutiny
Committee, in particular welcoming the new Members of the Council following the
municipal elections on 6th May, 2021.

2 **Declarations of Interest**

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

In relation to Minute No. 6 below (Independent Remuneration Panel – Review of the Members’ Allowances Scheme), it was noted that, in accordance with dispensations set out in the Members’ Code of Conduct, Members did not have a disclosable pecuniary interest in respect of this item.

3 **Public Forum**

There were no issues raised under this agenda item.

4 **Annual Scrutiny Programme 2021/22**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted on items to be included in the Annual Scrutiny Programme for detailed considered by this Scrutiny Committee during 2021/22.

Following a suggestion made by a Member, the Chair agreed to consider including an item in relation to the Black Country Local Enterprise Partnership to the Scrutiny Programme.

A Member commented on the number of items outlined in the Work Programme hindering the ability to effectively scrutinise matters and considered that scrutiny of one or two items per Committee was preferred.

Resolved

- (1) That the information contained in the report and the items in the Annual Scrutiny Programme for consideration by this Committee during 2021/22 be noted.
- (2) That the Committee confirm the programme of business below, subject to the need for flexibility to reflect any changes that might arise during the municipal year:

Wednesday 9th June, 2021

Quarterly Performance Report (Quarter 4)
Members Allowance Scheme
Council House Refurbishment

Thursday 15th July, 2021 (Special Meeting)

Budget Scrutiny Process
Black Country Plan



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



FC/2

Wednesday 8th September, 2021

Quarterly Performance Report (Quarter 1)
Future Council Programme Update
Local Government Association Peer Review
Equality and Diversity Update
Digital and IT Services Update

Wednesday 24th November, 2021

Medium Term Financial Strategy
Major Regeneration Projects Progress
Annual Town Centres Health Check Survey
West Midlands Combined Authority Investment – Black Country Review
Wednesbury to Brierley Hill Metro Extension

Wednesday 19th January, 2022

Quarterly Performance Management Report (Quarter 2)
Customer Services Update
Benefit Services Annual Report

Wednesday 16th March, 2022

Quarterly Performance Management Report (Quarter 3)
Major Regeneration Projects Update
Equality and Diversity Update Report

- (3) That consideration be given to including an item in relation to the Black Country Local Enterprise Partnership to the Scrutiny Programme.
- (4) That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2021/22 municipal year.
- (5) That the terms of reference for the Future Council Scrutiny Committee, as set out in the Appendix to the report submitted, be noted.

5 **Change in Order of Business**

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



Resolved

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

6 **Independent Remuneration Panel – Review of the Members’ Allowances Scheme**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted to consider the report of the Independent Remuneration Panel established in accordance with the requirements of the Local Authorities (Members’ Allowances) (England) Regulations 2003. A copy of the Independent Remuneration Panel’s report was received by the Committee.

The Leader and Opposition Group Leader attended the meeting to provide any submissions or respond to questions from the Scrutiny Committee if necessary.

In presenting the report submitted, the Democratic Services Manager confirmed that the report of the Independent Remuneration Panel had been submitted to the Full Council on 22nd February 2021. The report had been referred to this Scrutiny Committee for further consideration. A final report would be submitted to the Council on 12th July, 2021 taking account of any comments or observations made by this Committee and following further consultation with both Group Leaders.

Reference was made to the recommendations outlined in paragraph 6 of the Independent Remuneration Panel Report, including setting an aspiration for Basic and Special Responsibility Allowances to be increased towards a reasonable average figure based upon the average Members’ Allowances paid by the Black Country authorities.

Councillor P Harley was invited to make a statement and referred to the voluntary reduction in Members’ Allowances that had been implemented in the 2017/18 financial year. This reduction was in parallel with changes to staff terms and conditions, including the imposition of three days mandatory unpaid leave for staff. It was noted that the mandatory unpaid leave for employees had ceased effective from April, 2021.

The importance of attracting a diverse range of people to become Councillors was emphasised. It was important that the membership of the Council reflected the Dudley community. Reference was made to increasing commitments undertaken by Members, particularly those that were in employment. It was acknowledged that the Members’ Allowances Scheme should reflect the important role and work undertaken by local Councillors. The introduction of a Special Responsibility Allowance for Shadow Cabinet Members was supported in view of their workload and role in the Council’s governance arrangements.



Councillor Q Zada confirmed that he was in attendance to answer any questions asked by the Committee to assist with deliberations. He referred to the demanding role and workloads undertaken by Councillors, particularly those with substantial portfolios and the potential impact upon their professional and personal lives.

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

- A Member suggested that consideration should be given to Councillors that were earning low incomes and deemed the Basic Members Allowance as a salary, in particular the difficulties faced in defining the allowance whilst claiming benefits if applicable. The opportunity to develop a broad list of available expenditure that could be claimed by Councillors including mileage would be beneficial. It was also noted that elected members were no longer permitted to join the Local Government Pension Scheme.
- The comparative Members' Allowances paid by the neighbouring Black Country Councils, namely, Sandwell, Walsall and Wolverhampton were considered to have significant variations, particularly in relation to Special Responsibility payments. The Director of Finance and Legal acknowledged the differences and the levels for Dudley's Scheme would need to be considered alongside budget implications.
- Reference was made to the yearly cost of living pay increases based on pay awards for local government staff and that consideration should also be given to adjustments in rates of inflation.
- Following comments made in relation to the methodology used to determine allowances, the Chair stated that the Independent Remuneration Panel considered Dudley's Members' Allowances to be significantly lower than the local average and should be amended to reflect the work and role undertaken by local Councillors. Although the Independent Panel did not recommend exact figures, the Chair commented that the allowances should be fair and comparable to the average figures set out in the report.
- In responding to a question raised by a Member, the Director of Finance and Legal confirmed that the previous review of Members' Allowance Scheme was undertaken in January, 2017, and that annual inflation increases were applied in line with the agreed cost of living pay increases for Local Authority staff.
- A Member considered the increase to the Members' Basic Allowance in accordance with the average figures to be reasonable. However, there were concerns to the potential increase to the Special Responsibility Allowances given the present financial challenges and a query was made as to whether the roles undertaken had changed significantly since the last review in 2017.



- The Cabinet Member for Regeneration and Enterprise and the Cabinet Member for West Midlands Combined Authority shared their experiences as Cabinet Members and the level of commitment involved including attending meetings, briefings, the impact on full time employment, and the need to balance other duties within the Council and as a local ward Councillor.
- A Member raised a question in relation to multiple allowances, where a Member held more than one office qualifying for a Special Responsibility Allowance, but was paid the higher allowance only, and whether this was comparable with neighbouring authorities.
- It was noted that there was a statutory obligation for the Council to review the Scheme every four years with yearly increases being applied in line with pay awards for Council staff. The Members' Allowances Scheme could, however, be reviewed more frequently and changes adopted on a phased basis if required.
- A Member referred to the Special Responsibility Allowances paid to the Chair and Vice-Chair of the Licensing and Safety Committee; it was considered an anomaly that allowances were not paid to the Chairs of the Licensing Sub-Committees.
- The Cabinet Member for West Midlands Combined Authority suggested that in addition to the Black Country authorities, the economy of the West Midlands in its entirety should be considered in determining the Members' Allowance Scheme going forward.

Following further discussion, the Scrutiny Committee recommended that the review of Members' Allowances be considered upon the average figure based on the three other neighbouring Black Country Councils, namely, Sandwell, Walsall and Wolverhampton.

Councillor P Harley thanked the Committee for their comments and recommendations which would assist in the ongoing detailed consideration of this matter.

Resolved

- (1) That the comments made by the Committee, as set out above, in response to the Independent Remuneration Panel report on the review of the Members' Allowances Scheme be noted.
- (2) That the Director of Finance and Legal consider the detailed implications of the comments and observations made by the Scrutiny Committee, and following consultation with both Group Leaders, submit a report to the Council on 12th July, 2021



7 Proposed Improvement to the Council House Campus in Dudley

A report of the Director of Regeneration and Enterprise was submitted on the proposal to refurbish the Council House Campus, addressing long standing maintenance problems, increase desk capacity and provide an improved working environment.

In presenting key information, the Head of Corporate Landlord Services confirmed that following consultation with the Strategic Executive Board, proposals to 'future proof' the Council House campus in Dudley was included in the Capital Programme for consideration by Full Council at its meeting on 24th February, 2020. The Council requested that the proposals be submitted to a Scrutiny Committee, however, the COVID-19 Pandemic and subsequent lockdown restrictions had delayed consideration of the proposals.

The original proposals were predicated on undertaking essential repairs across the campus, increasing the amount of useable office space and maximising and utilising desks in a more agile way. The ability to work in an agile manner had been demonstrated successfully by the Council during the Pandemic.

A map outlining the Council House campus included the main Council House, Old Court and Coroners buildings was provided. It was noted that the Library and Town Hall was not included.

The Team Manager – Facilities Management informed Members that the proposals reflected two main areas of work, whilst considering the limitations of the Grade II listed status, namely, addressing known building defects and undertaking improvements to the sites. The projected forecast for both areas of works was approximately £4m.

It was confirmed that some repairs had been undertaken during the Pandemic including the installation of energy saving LED lighting following receipt of European Regional Development Funding. It was recognised that repairing the extensive damage to the roof was a priority and required future proofing to avoid the significant costs of minor repair works.

Modest redecorations to offices, committee rooms and corridors were proposed alongside the removal of internal walls to increase usable office space that was permitted by Historic England. It was also confirmed that an allowance of £130,000 had been included for the replacement of the existing audio and visual facilities in the Council Chamber and Committee Room 2.

The Team Manager – Facilities Management also reported that new proximity door access systems had been installed to improve security, enabling receptionists to assist Members of Public and Visitors without initially being admitted into the building.



If approved, detailed designs would commence, and it was anticipated that the overall timeline for competition would be approximately two and a half years over a phased period.

In concluding, the Head of Corporate Landlord Services emphasised the need to consider future council working styles and how space could be utilised in both the short and long term. The possibility of utilising spaces collaboratively with third parties would also be explored to maximise facilities. It was noted that the Pandemic had demonstrated that designated offices and locations were not necessary for employees. It was acknowledged that outstanding queries remained in relation to Government guidance on social distancing and the long-term impact on the workplace.

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

- A Member referred to the climate change emergency that was declared in February, 2020 and raised concerns to the proposed increase to the number of desk spaces. He acknowledged the positive response by Dudley to the Pandemic and although employees working from home was not ideal, the benefits in the reduction in the number of vehicles on the road had positively impacted on carbon emissions.

The Head of Corporate Landlord Services confirmed that approximately 93 additional desks would be created and that capacity would be assessed once the current social distancing restrictions had been removed.

- It was confirmed that the Old Police Building was occupied by the Audit Services Team.
- In responding to a question raised, the Leader stated that the proposals enabled an improved working environment. However it was anticipated that future working arrangements would change, and it was possible that some office buildings may no longer be required.
- A Member considered that the full impact of COVID-19 was not yet known and queried whether the proposed project should be progressing prior to understanding the long-term impact of the Pandemic.
- Reference was made to the proposed improvements to the audio facilities, and it was requested that the replacement microphones be of good quality to enable all present to speak and listen clearly.
- The Leader requested that should the project be approved, priority be given to local contractors where possible, and that the budget be carefully monitored with the aim to deliver for less than the budgeted £4m if possible.



- In responding to comments made in relation to the inadequate disabled facilities at the Council House, the Head of Corporate Landlord Services confirmed that improvements were proposed to the lift and that disabled access was available on the lower ground floor, however he acknowledged that accessibility to the Council Chamber required further consideration. The Head of Corporate Landlord Services welcomed the comments made and undertook to investigate further.
- A Member commented positively on the proposals and acknowledged that employees required good modern offices and suggested that a campaign be developed to attract local contractors and promote the tendering opportunities available.
- Although appreciating the significant work and repairs required, a Member questioned the overall project costs. Reference was made to significant unknown factors and restrictions resulting from the Pandemic and it was queried as to whether issues such as hybrid meetings and social distancing requirements had been fully considered going forward. In responding, the Head of Corporate Landlord Services referred to the work undertaken by the Future Council Project Group to create a 'hybrid' workplace for a flexible workforce to deliver services.
- It was confirmed that Dudley College had been invited to express an interest in utilising space within the campus, which also included a comprehensive tour, however they declined to respond. It was noted that other companies had not yet been contacted.
- A Member queried the significant impact to Council finances and suggested whether priority could be given to works that required immediate repairs in the first instance. The Director of Finance and Legal confirmed that the proposals had not been included in the capital programme, however it was anticipated that £200,000 would be allocated each year. The Head of Corporate Landlord Services also confirmed that a detailed phased approach would be undertaken allowing the daily operation of buildings and meetings to continue and would consider prioritising repairs according to need.
- The Head of Corporate Landlord Services undertook to provide an overview of the financial impact to the Council, including borrowing and Council Tax percentages, should the proposed refurbishment be approved.
- In responding to a question raised, the Head of Corporate Landlord Services confirmed that a dedicated Prayer Room was located within the Old Police Building and would ensure that all employees were informed accordingly.
- In responding to comments made on safety concerns in relation to the steps outside the Council Chamber, the Head of Corporate Landlord Services undertook to assess the matter immediately.



- Reference was made to the national issues surrounding supply and cost of materials required to undertake building works, and although a Member welcomed the opportunity to source locally, it was suggested that a finance cap against the market was necessary and supply delays considered and factored into projections and costs accordingly.
- In view of projected costs, a Member suggested that consideration be given to implementing the project in stages according to need and that a review of current and future costs was regularly undertaken.

The Head of Landlord Services stated that it was the Council's duty to maintain assets in the long term and consider the potential risks should they not be addressed. He also confirmed that although there was an allocation of £2m for repairs within the Capital Programme, the budget was utilised across all buildings.

The Chair requested that an update report be submitted to the Scrutiny Committee in six months' time, outlining confirmed proposals, incorporating suggestions and comments made by the Committee if deemed appropriate, and proposed financial and energy savings.

Resolved

- (1) That the information contained within the report submitted on the proposed refurbishment of the Council House Campus, be noted.
- (2) That the proposal to identify and make available finances that enables the implementation of the work outlined within this report in accordance with the indicative timelines, be supported.
- (3) That the Head of Corporate Landlord Services be requested to provide an overview of the financial impact to the Council, including borrowing and Council Tax percentages, should the proposed refurbishment be approved.
- (4) That an update report be submitted to the Scrutiny Committee in six months' time.

8 Corporate Quarterly Performance Report - Quarter 4 (1st January, 2021 to 31st March, 2021)

A report of the Chief Executive was submitted on the Quarter 4 Corporate Quarterly Performance report covering the period 1st January, 2021 to 31st March, 2021. Additional information in relation to COVID-19 in Dudley was appended to the report submitted.



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FC/10

In presenting key information through presentation slides, the Corporate Performance Manager made particular reference to the 14 performance indicators that were below target, as outlined in Appendix 1 of the report submitted, including a decline in PI.1466 - Number of early help assessment as a result of the post-Christmas lockdown which was expected to improve in Quarter 1. It was noted however that performance had improved in relation to PI.432 – the number of looked after children. A detailed account of the performance indicators was outlined in the appendix to the report submitted.

A summary of key highlights and concerns was outlined, and it was reported that the overall short-term trend for the collective key performance indicators had identified that 22 measures had improved performance, 6 remained consistent and 16 highlighted a downward trend in comparison with Quarter 3 outturns.

Reference was made to the two Directorate Service Summary Documents that had been appended to the report submitted, providing an overview of service delivery and achievements during the given quarter focusing on Adult Social Care and Public Health and Wellbeing.

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

- With reference to PI 433 Number of Children subject to a child protection plan per 100,000 of the population, a Member requested further information on the measures implemented by the service that resulted in the performance improving. The Corporate Performance Manager undertook to forward the query to the appropriate officer for a response.
- A Member considered the key performance indicators to be a good management tool and in responding to a question raised, the Corporate Performance Manager confirmed that the indicators were reviewed on an annual basis and endorsed by the Strategic Executive Board.
- The Head of Chief Executive's Office confirmed that the key performance indicators were in line with the Council priorities and referred to the proposed refresh of the Dudley Council Plan 2019/22 for a further three years considering future outcomes and Directorate Plans. The Council Plan should map the journey to achieving the aspirations in the Future Council 2030 programme and the Forging a Future Borough Vision 2030. A Performance Management Framework was being developed to enable a consistent approach towards performance management and reporting processes across the Council.
- Reference was made to performance indicators regarding sickness absence, in particular the figures had not incorporated the impact of COVID-19. The Head of Chief Executive's Office undertook to forward the query to the appropriate officer for a response.



- The need to improve engagement with employees was mentioned following the reduction in PI2062 - Employee engagement return rates, which remained an Organisational issue to increase completion rates. It had been recognised that a different approach was required to undertake staff surveys, with the possibility of introducing focus groups and workshops with front line staff, and an employee's engagement application for phones and devices.
- A Member, although recognising the improved trend on PI.1798 Percentage of eligible people receiving a health check (coverage), considered that the 33% target was significantly lower than the England benchmarking comparative data of 77.4%. The Corporate Performance Manager confirmed that health checks were only being undertaken at General Practitioners surgeries during the Pandemic.
- With reference to PI. 120 - 16 to 18 year old's who are not in education, employment, or Training (NEET), it was noted that the measure was below target this quarter and showed a downward trend compared to the previous quarter and annual trend. A Member sought clarification on the overall borough position, the specific ward areas and reasons as to why young adults were not in education, training or employment together with proposed measures by the service to address the area. The Corporate Performance Manager undertook to forward the query to the appropriate officer for a response.
- Following comments made in relation to the introduction of an employee engagement application for phones and devices, the Head of Chief Executive's Office stated that the proposal would enable an easier platform to share information, initiatives and offers and discounts available to employees in local town centres.
- In responding to a request by the Chair, the Corporate Performance Manager undertook to request updated information in relation to PI.2056 – Number of the Council's headcount to be part of an apprenticeship (Annual) with the appropriate officer.

In concluding, the Head of Chief Executive's Office referred to comments made by the previous Chair of the Corporate Scrutiny Committee regarding the future reporting of the Corporate Quarterly Performance Report. The Scrutiny Committee subsequently agreed that appropriate scorecards be circulated to the individual Scrutiny Committees for information and consideration.

Resolved

- (1) That the Quarter 4 Corporate Quarterly Performance report covering the period 1st January, 2021 to 31st March, 2021, be noted.



(2) That the Corporate Performance Manager and the Head of Chief Executive's Office be requested to forward queries and comments raised by the Committee to the appropriate officer for a response, on the following Key Performance Indicators:

- PI 433 Number of Children subject to a child protection plan per 100,000 of the population
- Employees Sickness Absence Performance Indicators
- PI. 120 - 16 to 18 year old's who are not in education, employment, or Training (NEET)
- PI.2056 – Number of the Council's headcount to be part of an apprenticeship (Annual).

The meeting ended at 8.15pm

CHAIR



FC/13

Future Council Scrutiny Committee - 15th July 2021

Report of the Director of Regeneration and Enterprise

Black Country Plan - Approval of Draft Plan for Consultation

Purpose

1. To consider the decisions made by the Cabinet on 5th July, 2021 concerning the approval of the Draft Black Country Plan (BCP) consultation document and the public consultation on the document in line with the legal requirements and in line with the Council's adopted Statement of Community Involvement (SCI) 2020.

Recommendations

2. That the Scrutiny Committee note and make any observations on the following decisions made by Cabinet on 5th July, 2021:-
 - To approve the Draft Black Country Plan documents for an eight-week consultation, to be carried out in line with the Council's adopted Statement of Community Involvement 2020.
 - To authorise the Director of Regeneration and Enterprise following consultation with the Cabinet Member for Regeneration and Enterprise to make any non-substantive changes considered necessary to the document prior to it being published and agree the arrangements for the consultation.
 - To delegate finalisation of the accompanying documentation for the Draft Plan, and an updated evidence base to the Director of Regeneration and Enterprise following consultation with the Cabinet Member for Regeneration and Enterprise.
 - To agree to the proposed consultation material to inform the public consultation on the Draft Plan.
 - To delegate finalisation of the dates for an eight-week consultation period to the Director of Regeneration and Enterprise following consultation with the Cabinet Member for Regeneration and Enterprise.

Background

3. The Draft BCP 2039 (formerly known as the Black Country Core Strategy) is the key document that will provide the framework to guide future planning decisions in Dudley as well as the wider Black Country. It is based on national policy and guidance, an assessment of local housing and employment needs, as well as meeting objectives that have been defined through an Issues and Options consultation in 2017.
4. The development plan for Dudley currently comprises of the Black Country Core Strategy (BCCS) adopted in 2011, the Dudley Borough Development Strategy (2017) and the Brierley Hill, Dudley, Halesowen and Stourbridge Area Action Plans (AAPs).
5. National planning policy states that development plans should be updated every five years and should identify requirements for 15 years from the date of adoption. It is intended that the BCP will be adopted in 2024. Upon adoption it will replace the BCCS but, unlike the BCCS, the BCP will also allocate specific sites for different land uses. It will therefore 'carry forward' the allocations in the Dudley Borough Development Strategy and some of the AAPs but will also allocate additional new sites to meet need over the longer time period. The BCP, once adopted, will roll forward the land use requirements to 2039 and will supersede the current Black Country Core Strategy and some policies contained within the Dudley Borough Development Strategy and the AAPs.

Plan review

6. Preparation of the BCP commenced in 2016, followed by the publication of the Issues and Options documents consultation in 2017. This marked the first stage of the process and set out the scope of the local plan review and presented its key issues along with several options. The consultation took place for eight weeks between July 2017 and September 2017 and some 1,696 formal representations were received covering over 3,500 matters. A report setting out the Issues and Options consultation responses was considered by Cabinet at its meeting on 27th June 2018.
7. The Draft Plan document has built upon the extensive work which has taken place since 2016 when the process of reviewing the Local Plan began. It has been informed by a significant body of technical evidence which has identified the Black Country's future housing need (both the overall number of homes required but also the breakdown between tenure and dwelling size that is likely to be required); the employment land need and supply (including the suitability of existing employment premises for long term retention); and studies of town centres, waste and minerals, environmental and infrastructure studies and a viability and deliverability assessment. Alongside this, a detailed assessment of over 550 potential sites to be allocated in the Plan (including some 200+ sites in Dudley) has been carried out by officers within each authority.
8. Using the representations that were made at the Issues and Options consultation and the updated evidence base, the next stage of the Plan preparation process, the Draft Plan has now been produced.



9. At its meeting in September 2020, Cabinet approved a revised Local Development Scheme (LDS) and a revised timetable for the future stages of the Plan preparation as follows:

Cabinet consideration of Draft Plan	July 2021
Draft Plan Public Consultation	August-September 2021
Cabinet consideration of Publication version of BCP	July 2022
Publication Public Consultation	August-September 2022
Submission of Plan	March 2023
Examination	April 2023 - March 2024
Adoption	April 2024

Key areas of the Draft BCP

10. The Draft BCP has now reached an advanced and important stage of its preparation and will make key decisions on:
- **Climate change** how can we adapt and mitigate against the impacts?
 - **New housing** – How much new housing is needed? How much can be provided in sustainable locations and where will it go? What type and density of housing should be provided and how much affordable housing?
 - **Employment land** – Where does employment land need protection? How much new employment land is needed and where should it go?
 - **Supporting infrastructure and services** - What improvements to transport, schools, green space, etc. will be needed to support new development? Where will new services be located?
 - **How we will create healthy and safe places** to promote better health and wellbeing?
 - **In the face of new development** how will the natural and historic environment be protected and improved?
11. The full text of the draft BCP is available on the [Council's website](#) with the documents considered at the Cabinet meeting on 5th July, 2021. This provides the detailed wording of all policies and proposals. This section of the report provides a brief overview and summary of some of the key aspects of the draft BCP.
12. The Draft Plan sets out the Preferred Options in terms of the spatial strategy for the Black Country, including proposed strategic sites for housing and employment and a suite of policies which are principally focussed on development management issues relevant to the determination of planning applications, for example those setting open space standards, building design standards and the levels of affordable housing to be required.
13. Previously, the BCCS envisaged that development needs to 2026 could be met entirely within the existing urban area. This was based on the principle that there was a declining need for industrial land which could then be redeveloped for housing.
14. However, industry has proven to be more resilient than expected, when the BCCS was adopted in 2011, particularly in Dudley and Sandwell. Economic evidence indicates that most of the existing employment areas remain viable and accommodate the vast majority of our growth sector businesses and should therefore be protected. These

areas provide a key source of employment for local people in the Black Country. Whereas previously the area was considered to have surplus employment land, we now need a different strategy to maximise local employment, not only as an end in itself but also to support projected population and housing growth.

15. The growing population of the area means that the total number of jobs needs to increase in order to provide adequate economic activity. More land is therefore required for employment. The draft BCP estimates that around 565 hectares of additional employment land is required.
16. Housing need is now determined by the standard method set by the Government. This indicates that an additional 76,076 homes need to be provided across the Black Country over the period 2020-2039. This compares with the requirement of 63,000 net new homes which the BCCS requires for the period 2006-2026. Housing completions since 2006 have been largely in line with the trajectory set by the BCCS. As a result, however, this means that we are effectively running out of land for housing.
17. The urban capacity review for the Black Country, which was published in May 2021 as part of the preparation of the BCP, demonstrated an existing urban land supply to accommodate 205 hectares of employment land and 39,257 homes. The majority of development in the existing urban area is making use of brownfield land (i.e. previously developed land), vacant properties and surplus industrial land. This land is located in:
 - The Strategic Centres of Brierley Hill, West Bromwich and Walsall Town Centres and Wolverhampton City Centre;
 - Core Regeneration Areas in and around town/district centres and along transport networks (inc. three Core Regeneration Areas for Dudley borough); and
 - Existing Towns and Neighbourhoods Areas.

Considering additional sites that could come forward as part of the Draft BCP, the urban area has made significant 'headway' into addressing these needs providing 40,117 homes and 205 hectares of the Black Country's employment requirements. But there remains a significant shortfall of over 300 hectares of employment land and land for a further 35,959 homes.

18. As anticipated in the Issues and Options document and the most recent Black Country Urban Capacity Review 2020¹, evidence has shown that the Black Country is unable to meet its housing needs without incursion into the Green Belt. The NPPF advises that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. (Para 136 NPPF). The NPPF adds that when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be considered. The NPPF further advises that where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously developed and/or is

¹ <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4c/>

well served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. In addition, the authority will need to set out the exceptional circumstances to consider Green Belt release as outlined in paragraph 137 of the NPPF.

19. The Black Country authorities have considered potential additional sources of housing supply in the urban area to help close the housing shortfall, including density increases on allocated housing sites and sites in the Strategic Centres. However, current evidence suggests that the housing shortfall remains significant. This is despite reviewing all potential sources of housing capacity, making a series of structured assumptions around density and windfalls, and comprehensively exploring the capacity on occupied employment land in the context of up-to-date employment land evidence. In addition, discussions with neighbouring authorities, under the Duty to Cooperate, suggest neighbouring authorities will seek to contribute between 8,000 to 9,500 homes and 102-173 ha of employment land to be tested through their own Local Plan reviews. Despite this, the shortfall remains. Given the urban capacity evidence summarised above, it is reasonable to conclude that the exceptional circumstances necessary to trigger a Green Belt review in the Black Country, to meet housing and employment land needs, have been met.
20. The Black Country Authorities have undertaken an extensive review of the Green Belt, taking into account evidence on historical, ecological and landscape value and local character. A comprehensive and robust site assessment process has taken place by officers to ensure that all sites selected for removal from the Green Belt can deliver sustainable development and supporting infrastructure by 2039, and will not cause harm to the natural or historic character of the Black Country or breach any other planning policies. It is proposed that land for 7,720 houses and 47.8 hectares of employment land be allocated on land that is currently in the Black Country Green Belt. This equates to 6% of the total Black Country Green Belt.
21. In Dudley it is proposed that land for 1,117 homes will be allocated on land that is currently in the Green Belt. This equates to approximately 53.8 hectares of land and 3% of the current area of Dudley's Green Belt. The larger sites include:

Site Name	Ward	Hectares (Ha) of land to be developed (net)	Number of homes to be built
Land South of Holbeache Lane/Wolverhampton Road, Kingswinford	Kingswinford North and Wall Heath	8.24	330
Land at Swindon Road, Wall Heath, (The Triangle)	Kingswinford North and Wall Heath	13.3	533

22. Where it is proposed to remove sites from the Green Belt, developers will be required to pay for improvements to the accessibility, biodiversity and environmental quality of remaining Green Belt land nearby. Where required, highway improvements and onsite or financial contributions towards education and healthcare provision will be made available on the back of development. Concept masterplans will be prepared for the next version of the Plan (Publication Plan) which will guide development and set out design codes to ensure efficient use of land, good quality design standards, adequate provision of open space, and accessibility improvements for walking and cycling as well as access to local services and public transport.
23. It is recognised that the proposed allocation of these two large sites and their removal from the Green Belt is a matter of concern which has already been expressed by Members. Further evidence is being sought which may have a further bearing on these sites and the public will also have the opportunity to give the Council its responses from the consultation.
24. It is recognised, as set out below under Risk Management, that having an up to date Plan is more desirable than the current position and would continue to provide a layer of protection for the borough's Green Belt and assist in defending challenges from developers to be able to build on it.
25. Taking into account both urban and Green Belt land, there is potential to accommodate 47,837 homes and 354ha of employment land but there remains a shortfall of 28, 239 homes and 211 hectares of employment land. Considering this shortfall, the Black Country Authorities have undertaken Duty to Cooperate discussions with neighbouring authorities in Staffordshire, Shropshire and Solihull to accommodate some of this shortfall in their areas. Discussions to date suggest between 102-173 hectares of employment land and 8,000 - 9,500 homes could potentially be exported to them, subject to their own local plan reviews. This leaves an outstanding shortfall of between 20,239 and 18,739 homes and between 39 and 109 hectares of employment land to be pursued through further Duty to Cooperate.
26. The Draft Plan includes a number of new and updated policies. The existing Black Country Core Strategy and Area Action Plan policies have largely been carried forward into the Plan with some updating. There are a number policy changes or updates which include:
- Climate Change policies on Climate Change mitigation, energy infrastructure and managing heat risk;
 - Cannock Chase Special Area of Conservation (SAC) (contribution from Wolverhampton & Walsall);
 - Refresh of the previous Policy CEN3 to ensure it is effective and fit-for-purpose, reflecting the delivery of the metro and informed by the Car Parking Study.
 - Affordable housing policy has been amended to reflect different levels of affordable housing on a geographical value area basis setting out a 10%-30% Affordable Housing requirement;
 - Building design standards have been updated in line with national guidance; and

- A range of new and amended planning obligations are recommended for inclusion in the Draft Plan, in relation to climate change, net biodiversity gain and Green Belt mitigation, education and health care provision.

Infrastructure Provision

27. Officers have engaged with colleagues in Education, Utilities, Healthcare and Transport. Evidence so far is indicating that there are no major infrastructure 'showstoppers' which would prevent the deliverability of the proposed sites. Further transport modelling work will be carried out to inform the next stage of the Plan process. Infrastructure provision such as open space, schools and health provision have been factored in new policies for planning obligations. In the case of some larger sites it may be the case that infrastructure provision (such as schools) is delivered on the sites.

Sustainability Appraisal

28. The Council is required to assess the environmental impacts of any plan which it produces. Accordingly, a Sustainability Appraisal Scoping report accompanied the earlier Scope, Issues and Options version of the plan. The subsequent version of the emerging Local Plan (Draft Plan) has been accompanied by a Sustainability Appraisal and a Habitat Regulations Assessment. These documents form an important part of the supporting evidence to the local plan review and help the Council to assess the possible impacts of the plan and its policies and therefore how impacts can be addressed or mitigated against. A copy of the latest Draft Sustainability Assessment is included on the [Council's website](#) with the documents considered by the Cabinet on 5th July, 2021.

Next steps

29. It is proposed to undertake a public consultation on the Draft BCP for an eight-week period, to be agreed by the Director of Regeneration and Enterprise in consultation with the Cabinet Member for Regeneration and Enterprise. It is anticipated that the consultation will commence in August 2021 and run to the end of September/early October 2021. A copy of Dudley borough consultation summary leaflet, which will be used for the consultation, is included on the [Council's website](#) with the documents considered by the Cabinet on 5th July, 2021.
30. The consultation will be carried out in accordance with the Council's adopted Statement of Community Involvement (SCI). The SCI was updated in September 2020, to take account of temporary legislation regarding Covid-19 (Coronavirus) to ensure that any consultation which takes place follows the latest guidance in relation to the pandemic.

Finance

31. The costs of preparing the Black Country Plan review is financed and funded jointly by the Black Country Local Authorities and through an external grant from MHCLG (then DCLG) of £560,000. The Council's contribution to the work is being met through

mainstream budgets and resources dedicated to the production of Development Plan documents and other such statutory planning documents.

Law

32. It is necessary to ensure that the Black Country Plan review is undertaken in accordance with various legal provisions as set out in the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework NPPF (and associated guidance) 2012.

Risk Management

33. Failure to have a development plan that is based on sound evidence could result in the borough having insufficient land to meet the need for housing, employment and other land uses that are necessary to support the economic and environmental well-being of the area. It could also result in development being placed in inappropriate locations, leading to an inefficient use of resources, traffic congestion and other harm. Having a development plan in place is also essential to defend the Council's position in planning appeals. Without an up to date development plan, the Council/ Black Country Authorities risk intervention from central government and may compromise our ability to make decisions locally.

Equality Impact

34. Preparation of the Draft Black Country Plan includes the carrying out of an integrated Sustainability Appraisal at each formal stage – and at later stages an Equality Impact Assessment. The Black Country Plan seeks to ensure that sufficient homes, shops and employment, social and recreational facilities are planned and provided for in that time to meet the needs of the communities in the Borough. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.

Human Resources/Organisational Development

35. It is considered that there are no additional human resources or organisational development implications resulting from this report. Work on the BCP is carried out by the Planning Policy Team in the Regeneration & Enterprise Directorate with assistance from officers in other Departments where necessary.

Commercial/Procurement

36. There are not considered to be any commercial or procurement implications as a result of this report. Preparation of the BCP has involved the commissioning by the Black Country authorities several pieces of evidence from external consultants. All procurement is carried out by Sandwell Council on behalf of the Black Country authorities.

Council Priorities

37. The BCP:
- Supports the priority to 'Support stronger and safe communities' through Local Plan preparation which will make provision for growth in housing and other land uses informed by public consultation so they can live in healthy places that build a strong sense of belonging and cohesion.
 - Supports the priority to 'Create a cleaner and greener place' through the Local Plan preparation which will make provision of a comprehensive network of green infrastructure and an integrated and well-connected multifunctional open space network delivering opportunities for sport and recreation whilst establishing and supporting a strong natural environment.
 - Supports the priority of 'Grow the economy and create jobs' through the Local Plan preparation which makes provision for land use allocations including employment and residential use, thereby encouraging economic growth, enhancing the district and providing certainty for investment.
38. The West Midlands Combined Authority declared a climate change emergency in July 2019 and committed to net zero carbon emissions by 2041. This means that the Black Country will be working towards meeting these targets through the policies and timescales within the Black Country Plan.
39. A Privacy Impact Assessment in line with GDPR requirements has been undertaken at previous stages of the Local Plan Review process.



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Background Documents

The following detailed documents are available on the [Council's website](#) with the documents considered by the Cabinet on 5th July, 2021. Members can contact Democratic Services if copies are required:

Draft Black Country Plan consultation document and policies maps
Dudley Black Country Plan Summary
Draft Sustainability Assessment

Black Country Core Strategy Issues and Options [Issues & Options Consultation](#)