
Future Council Scrutiny Committee – 8th September, 2021

Report of the Lead for Law and Governance (Monitoring Officer)

Urgent Item - Scrutiny of the Black Country Plan

Purpose

1. To consider and determine, as a matter of urgency, the ongoing arrangements for the scrutiny of the Black Country Plan.

Recommendations

2. That a Task and Finish Group be established comprising 6 Members of the Future Council Scrutiny Committee (4 Members to be nominated by the Conservative Group and 2 Members to be nominated by the Labour Group).
3. That the Task and Finish Group be requested to consider the ongoing arrangements for the detailed scrutiny of the Black Country Plan and submit its findings and recommendations to the Scrutiny Committee in due course.
4. That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair and appropriate Directors, be authorised to take any necessary actions to progress this scrutiny work.

Background

5. On 1st September, 2021, this Committee considered a report concerning the scrutiny of the Black Country Plan. At the conclusion of that meeting, the Chair undertook to review the way forward with the officers including the communications plan. The Chair is of the opinion that the way forward with the scrutiny review, needs to be considered at this meeting as a matter of urgency in view of the deadlines involved with the statutory Black Country Plan consultation process. The consultation runs from 16th August, 2021 to 5pm on 11th October, 2021.

6. The reports to the meeting on 1st September, 2021 are available on the [Council's website](#). A recording of the meeting is available to view on the Council's [YouTube Channel](#).
7. Following initial consultation with Members, the following themes were identified for consideration as part of the scrutiny review:
 - Environmental and climate change impact (including wildlife and carbon reduction targets, health considerations - air quality, space for leisure).
 - Socio-economic impact (including reference to housing/affordable housing provision and jobs provision).
 - Infrastructure - focusing on education (including school capacity and need); GP surgeries, health (including hospital capacity), transport and road infrastructure.
8. A number of detailed observations and questions have been submitted requiring further consideration and responses.
9. In line with the Council's Scrutiny Committee Procedure Rules, the way in which a scrutiny review is conducted is at the discretion of the Scrutiny Committee. Relevant Cabinet Members and Directors have a standing invitation to attend meetings. Other people may also be invited to provide information or give submissions. This includes residents, partner organisations, stakeholders and Members and Officers in other parts of the public sector. Following consultation with the Chair, the Committee is requested to consider the recommendation to establish a Task and Finish Group to progress this work.

Finance

10. 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 the Ministry of Housing, Communities and Local Government 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

11. 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. The Council's scrutiny arrangements are set out in Article 6 of the [Constitution](#) and the associated Scrutiny Committee Procedure Rules.

12. There is provision under Section 100B(4)(b) of the Local Government Act 1972 to include an urgent item of business if, by reason of special circumstances, the Chair is of the opinion that the item should be considered at the meeting as a matter of urgency. The reason for urgency will be specified in the minutes of the meeting.

Risk Management

13. 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

14. 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

15. Work on the Black Country Plan is carried out by the Planning Policy Team in the Regeneration and Enterprise Directorate with assistance from officers in other Directorates where necessary.

Commercial/Procurement

16. There are no direct commercial or procurement implications arising from this report. Preparation of the Black Country Plan has involved the commissioning by the Black Country authorities several pieces of evidence from external consultants. All procurement is carried out by Sandwell Metropolitan Borough Council on behalf of the Black Country authorities.

Council Priorities

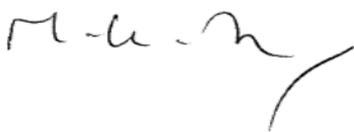
17. The Black Country Plan:
 - Supports the priority to '*Support stronger and safe communities*' through Local Plan preparation which will make provision for growth in housing and other land uses

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.

18. 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.

19. 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

Report and Minutes of the Future Council Scrutiny Committee – 15th July, 2021 and 1st September, 2021

Report and Minutes of the Cabinet – 21st July, 2021