

---

## **Meeting of the Cabinet - 6<sup>th</sup> July 2020**

### **Report of the Director of Regeneration and Enterprise**

### **Memorandum of Understanding with Avenbury (Dudley) Ltd**

#### **Purpose**

1. This report proposes that the Council enters into a Memorandum of Understanding with Avenbury (Dudley) Ltd which sets out the principles of a partnership framework to facilitate the comprehensive redevelopment of the Portersfield site in Dudley Town Centre.

#### **Recommendations**

2. It is recommended that the Council enters into a Memorandum of Understanding with Avenbury (Dudley) Ltd.

#### **Background**

3. As we emerge from lockdown and the impact of the Covid 19 Pandemic it is vital that the Council continues to demonstrate its commitment to the regeneration of the Borough.

A prime example is the Council's developing partnership with Avenbury (Dudley) Ltd – the developers of the Portersfield site in Dudley Town Centre. During lockdown the developers have signalled their intent with the demolition of the Cavendish Building.

The Council now wishes to enter into a Memorandum of Understanding with Avenbury (Dudley) Ltd as both parties agree there is considerable benefit to be gained from a comprehensive development in Dudley Town Centre which will make a positive contribution to the economic vitality of the town centre (through job creation, increased turnover and the beneficial use of a large area of land) which



will bring with it significant environmental improvements in terms of its design, appearance and the provision of associated infrastructure.

The Parties therefore intend this agreement to set out how information will be shared with a view to developing a new gateway to the centre of Dudley known as the Portersfield Development which is designated an opportunity site within the Dudley Area Action Plan (AAP) and forms part of Regeneration Corridor (Dudley to Brierley Hill) of the Black Country Core Strategy.

The Memorandum proposes a framework through which the Council and the developer will work together to deliver a comprehensive regeneration of the Portersfield site comprising a mixed use residential led development likely to include flats, student accommodation supporting commercial uses.

The key elements of the Memorandum of Understanding are as follows

- To provide an agreed basis for supporting the funding and delivery of the Development including through negotiated contributions secured by grants, funding agreements and planning obligations and/or Community Infrastructure Levy.
- To set out a protocol for communications and meetings in respect of the Development between the Council and the Company.

On approval of the Memorandum of Understanding the Council will work with Avenbury (Dudley) Ltd to undertake due diligence of their proposals before bringing appropriate recommendations through Council governance.

## **Finance**

4. There are no direct financial implications of entering into the MOU. The financial implications of funding the development of the site will be subject to due diligence and will be reported on in due course.

## **Law**

5. Section 111 of the Local Government Act 1972 provides the Council with power to do anything which is calculated to facilitate or is conducive or incidental to, the discharge of any of their functions.

Pursuant to Section 1 of the Localism Act 2011 a local authority has a general power of competence to do anything that individuals generally may do.

The MOU sets out the principles of a partnership framework to facilitate the comprehensive redevelopment of the Portersfield site in Dudley Town Centre, and



can be terminated by either the Council or the Developer on notice. The MOU is intended to be in place until 2022 or until a formal legal agreement is in place.

### **Equality Impact**

6. The Council's Equality and Diversity policies will be applied throughout the delivery of this project.

No equality impacts have been identified. There are no no specific impacts that will affect children / young people.

### **Human Resources/Organisational Development**

7. The proposals contained in this report will not impact on either the Council's current Human Resources or required future resources.

### **Commercial/Procurement**

8. All procurement required will comply with DMBC's Contract Standing Orders (which are fully compliant with Public Sector and OJEU procurement rules and guidelines) and all funders requirements.

There are no direct commercial implications associated with this report.

### **Health, Wellbeing and Safety**

9. The Proposals contained in this report are consistent with the Council's policies on Health, Wellbeing and Safety.



**Director of Regeneration and Enterprise  
Helen Martin**

Contact Officer: Jim Cunningham  
Telephone: 01384 814429  
Email: [jim.cunningham@dudley.gov.uk](mailto:jim.cunningham@dudley.gov.uk)

