

**Minutes of the Future Council Scrutiny Committee  
Wednesday, 24<sup>th</sup> November, 2021 at 6.00 pm  
In Committee Room 2, The Council House, Priory Road, Dudley**

**Present:**

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

**Officers:**

V Smith (Head of Projects and Delivery), S Griffiths (Democratic Services Manager) and  
K Taylor (Democratic Services Officer)

**Also in Attendance:**

Councillor C Bayton – Shadow Cabinet Member for West Midlands Combined Authority

2 Members of the Public

40 **Apologies for Absence**

Apologies for absence were received on behalf of Councillors A Lees and J Roberts.

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41 **Appointment of Substitute Members**

Councillors D Stanley and R Collins had been appointed as substitute Members for  
Councillors A Lees and J Roberts respectively, for this meeting of the Committee only.

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42 **Declarations of Interest**

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

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## 43 **Minutes**

Following a request by Councillor J Foster, the Committee expressed a view that the names of Members that raised questions and made comments would be documented in the minutes going forward. The Democratic Services Manager was also requested to consider the transcribing of meetings, particularly those that were undertaken remotely or live-streamed.

In referring to Minute No. 38 – Black Country Plan FC/57, Councillor Barnett reported that he had not yet received a response from the Planning Manager to his query in relation to the proposed site DUH038 (Boundary by Heath Road, Copse Road and Lea Bank Road – Dudley Wood).

### **Resolved**

That the minutes of the meeting held on 6<sup>th</sup> October, 2021, be approved as a correct record and signed.

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## 44 **Public Forum**

The Committee heard representations from a member of the public in relation to the tram and railway network. Concerns were raised that the West Midlands Combined Authority had requested Transport for West Midlands conduct a review into the delivery of new extensions and operation of metro services, however, it was considered that an independent expert should undertake a public review gathering evidence and comments from the public. Reference was made to the need to safeguard the Black Country Rail by Network Rail as this route was the only one that accepted freight traffic into central Birmingham. It was noted that Midland Metro Ltd. had removed trams from service on 13<sup>th</sup> November, 2021 with an aim to resume services within four weeks, however, it was suggested that this may not happen until the New Year. The Committee was also asked to support the vital need to strengthen the Borough's bridges for freight trains.

Councillor C Bayton, as Chair of the Overview and Scrutiny Committee at the West Midlands Combined Authority, suggested that the matters raised in relation to the Independent Review be referred to the Transport Scrutiny Sub-Committee for consideration.

Councillor Z Islam acknowledged the comments made which highlighted the need in ensuring historical assets were maintained and utilised and welcomed the proposal for an independent expert to undertake the review into the delivery of new extensions and operation of metro services and requested that the Committee formulate a recommendation to the Transport Scrutiny Sub-Committee.



Councillor D Stanley referred specifically to the bridge at the Parkhead Viaduct and fully endorsed the need to strengthen structures throughout the Borough in order to safeguard pedestrians.

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

### **Resolved**

That the Transport Scrutiny Sub-Committee of the West Midlands Combined Authority be requested to consider recommending the appointment of an Independent expert to undertake the review into the delivery of new extensions and operation of metro services, and not representatives from the Transport for West Midlands, with suitable involvement of the general public.

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### 45 **Comments by the Committee**

Councillor C Barnett raised concerns about the agenda items for this meeting in particular that two presentations had been included in the agenda pack without a covering report and queried how these items could be scrutinised effectively.

Councillor J Foster referred to the Annual Scrutiny Programme in particular the significant number of areas identified within the Quarterly Performance Reports that had been submitted to the Committee previously and suggested that performance should be considered in determining the agenda and business for future meetings.

Following comments made, it was agreed that the list of agenda items scheduled for the remaining two meetings of the Municipal Year be e-mailed to the Committee for information.

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### 46 **Regenerating Dudley**

A presentation was given at the meeting by the Head of Projects and Delivery updating Members on the major regeneration projects in Dudley. Further information on projects and developments was available on the Council's website.

The Committee was informed that Dudley Council and its partners had commenced the £1 billion regeneration programme prioritising the need to connect Dudley both regionally and nationally.

It was noted that there had been some delays in relation to the Dudley Interchange project due to the approval needed for a Compulsory Purchase Order to buy land and rights necessary for the redevelopment over a number of locations.



A £10m package of public realm improvement work focussing on pedestrian connectivity and linking the town centre with the attractions and transport nodes was welcomed, together with creating more public spaces and improvements along the Metro.

To improve Town Centres and tourism, various key projects had been identified including Portersfield and the Institute of Technology. With regard to the Portersfield Development, a Property Consultant had been appointed to undertake and produce development appraisals including a site-specific market review to inform the development brief.

Improved provision of pedestrian links to Merry Hill together with the erection of 800 homes in Brierley Hill and redevelopment in Lye through the Levelling Up Bid process was also mentioned.

It was recognised that primary source of tourism within Dudley was from the Zoo and Castle and Black Country Living Museum and it was confirmed that phase two of the Castle Hill development would focus on the restoration of the Castle and Zoo in consultation with Historic England.

The Forging Ahead Programme would see the creation of a new historic development at the Black Country Living Museum focusing on the 1940s – 60s, the construction of a new Visitor Centre and car park and a new Learning Centre. The re-building of Woodside Library was progressing well and was expected to be opened in Summer 2023.

The Head of Projects and Delivery confirmed that the new Dudley Leisure Centre was scheduled to open in January 2022 and photographs highlighting progress made were displayed at the meeting. The excellent transport links through the adjacent new metro stop, interchange and existing road network was welcomed.

Reference was made to the successful Future High Streets fund bid based around Brierley Hill Masterplan and interventions which would commence in the new year by the decluttering of public realm spaces and improvements to the toilets on Cottage Street with the inclusion of baby changing facilities. One of the priorities identified was in connecting the High Street to Venture Way and improvements to the open space surrounding the civic centre. A map of the proposed redevelopment was displayed at the meeting.

It was noted that the Black Country and Marches Institute of Technology and the Resonance Music Institute had now opened and welcomed students, and the high-tech features and success of the placements were acknowledged. Progress continued in building the Very Light Rail National Innovation Centre.



Reference was made to the recent decision of the Development Control Committee in approving the redevelopment of the Hippodrome and associated buildings on the Castle Hill site to build a new university building; this development would require the demolition of the buildings on the site. The Theatres Trust had submitted a request for the Secretary of State for Levelling Up, Housing and Communities to 'call-in' of the planning approval. The Council had submitted the documentation to the Department for Levelling Up, Housing and Communities for consideration, and it was expected that a decision as to whether it would be called-in would be given within three months

Bids were being developed for the emerging funding streams of the second round of the Levelling Up Fund which was expected to take place in March, 2022. It was noted that Dudley Council was entitled to submit a maximum four bids which also required support by the appropriate Member of Parliament.

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

- Councillor D Stanley commented positively on the Resonance Music Centre based at the Waterfront, Brierley Hill in particular the excellent design, acoustics and purpose-built facilities.
- In responding to Councillor D Stanley's comments in relation to the derelict building situated on the High Street, Brierley Hill and the need for the site to be cleared, the Head of Projects and Delivery confirmed that funding had been secured from the West Midlands Combined Authority and verified that the area would be cleaned in Spring 2022 in order to create a public realm space.

Councillor Z Islam referred to the site mentioned in particular that the area provided an opportunity to create a linkway for pedestrians from the High Street to the local Health Centre.

- Councillor C Barnett considered the Portersfield site to be a vital development for Dudley and therefore it was essential that the right steps were taken during the development. The opportunity to build a new community led area with consideration given to the needs of local residents was also highlighted.
- In responding to a question by the Chair, the Head of Projects and Delivery confirmed that the Portersfield site would predominately comprise residential housing and was considered an excellent, sustainable site. Property Consultants had been appointed to advise what mix and tenure of homes should be included together with retail, leisure and food and beverage space, and officers had visited similar locations to review best practice. She also confirmed that communities and stakeholders would be included in the consultation process.



- The Committee requested that prior to a final decision being made on the design, updates on the Portersfield Development be presented to the Future Council Scrutiny Committee for information.
- Councillor Z Islam referred to the historic challenges of the site and suggested that this was an opportunity to bring communities together. Deprivation was significantly higher in the surrounding area therefore the need for an additional Health Centre for local residents was emphasised.
- Legal advice was currently being sought in relation to land acquisition in consultation with the partnering developers.
- In responding to a question raised by Councillor C Bayton in relation to the increasing demand for student accommodation within Dudley, the Head of Projects and Delivery confirmed that the Local Authority was working with Worcester University in relation to accommodation and understanding projections going forward, however it was intended that student accommodation would be provided in Dudley. Discussions had also commenced with NHS Estates to discuss an additional General Practitioner surgery within Dudley Town Centre.
- Councillor S Ali reiterated the need for health provision in central Dudley and referred to previous discussions held at Cabinet and Full Council for adequate health provision at the Portersfield site, however, he understood that the site would now be predominately residential housing. He suggested that a balance was needed, and that strategic partners and communities should be involved with the consultation process.

The Head of Projects and Delivery agreed with the comments made that the site should not solely be residential, but that consideration should be given to public realm spaces together with a variety of housing stock. The Property Consultant would consider the delivery mechanism which would be self-financing, and once a brief had been developed and completed, it could be shared with the Committee for information.

- Reference was made as to why the Local Authority did not submit bids during the first round of the Levelling Up Fund application. It was confirmed that each bid required considerable detailed work and this had been considered unfeasible for the first round given the extremely tight deadlines. Work was currently being undertaken in readiness for the second round. Each bid could only be submitted once and required the endorsement of the relevant Member of Parliament.
- The Head of Projects and Delivery agreed to circulate the briefing paper and any relevant information in relation to the appointment of the Property Consultant for the Portersfield Development for information.



- Councillor C Bayton referred to the challenges faced in relation to the current funding landscape and the competitive nature of the bidding process given the tight deadlines. She considered that a devolution deal was needed to reflect regional needs, and that realistic timeframes were required for bidding processes.
- Councillor D Stanley referred to the Ward Arms Hotel, Birmingham Road, Dudley and requested that consideration be given to the future use of this key gateway site.

The Head of Projects and Delivery referred to a Working Group that had been established to consider all derelict sites throughout the Borough and agreed to include the Ward Arms Hotel to the list for consideration.

- Councillor D Stanley also referred to the importance of healthy communities that needed to be encouraged to walk by improving local amenities including local towpaths and derelict railway lines.

The Head of Projects and Delivery agreed with the comments made and reiterated the Local Authority's priority in investing in public realm to provide accessible and pleasurable areas. Town Centre maps were also currently being developed that were aimed for pedestrians and improvements made to cycle and canal routes and access to Metro stops.

- It was confirmed that the West Midlands Police based at the Brierley Hill Police Station would be relocating to Dudley and the existing building would be considered as part of the Levelling Up Bid however this depended on timescales. Consideration may be needed as to whether the Local Authority would purchase the building and discussions had already commenced with the Police Estates Team.
- Councillor D Corfield commented positively on the regeneration projects outlined for Dudley and the links with the Metro and Innovation Centre offering young people futuristic skills.
- Councillor C Barnett requested that the Pensnett Railway Walk area be reviewed for improvements as it was considered to be a fantastic asset.

## Resolved

- (1) That the update on the regeneration projects in Dudley be noted.
- (2) That updates on the Portersfield Development be presented to the Scrutiny Committee for information prior to any final decision being made.



- (3) That the Head of Projects and Delivery be requested to circulate the briefing paper and any relevant information in relation to the appointment of the Property Consultant for the Portersfield Development for information.
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47 **Wednesbury to Brierley Hill Metro Extension Update**

A presentation was given at the meeting by the Head of Projects and Delivery updating Members on progress with the delivery of the Wednesbury to Brierley Hill Metro Extension (WBHE).

The delivery of the project was planned in five phases from Wednesbury to Brierley Hill, and progress on the key elements in terms of the delivery of the scheme were acknowledged, together with timelines of expected commencement and completion of work associated with the project.

Photographs of the Parkhead Viaduct were displayed at the meeting which highlighted the timber structure which was considered no longer viable and unsafe for pedestrians.

The Council had successfully applied for art funding to set up the 'Art Track: Metro Art Programme', which would see the design of art projects across the Metro track and at stops in Dudley borough. The funding would support commissioning competitions for artists to design artwork for three identified priority tasks and an opportunity to showcase the design proposals in an exhibition in spring 2022 in Merry Hill and Dudley. It was noted that Dudley was the only local authority to secure the funding.

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

- Councillor C Barnett raised a question in relation to whether the budget, timeframes and business case associated with the Metro were on schedule, and in responding the Head of Projects and Delivery stated that the estimated costs to date were expected within the next 4 to 6 weeks which could be shared with the Committee once received, together with progress of the business case and economic growth.
- In responding to Councillor J Foster's concern that the £100,000 funding awarded by the Arts Council was insufficient, it was confirmed that the funding was allocated to develop the brief for the Artists including what art was required, the location and estimated expenditure. The Local Authority would then inform the Arts Council of the projected costs to secure the additional funding and undertook to provide a breakdown of the initial feasibility project to the Committee for information.
- It was further noted that Vanley Burke and Walter Jack Studio, which had been selected for the priority projects, were local artists. There would be an opportunity for local artists to submit their work for consideration through the competition. The Committee was also informed that Worcester and Dudley College had also invested in the project.



- Councillor C Bayton referred to the need to understand whether there would be a negative impact to the delivery of the Metro Extension given the loss of income during the recent removal of the service for a period of time.
- In responding to Councillor Z Islam, the Head of Projects and Delivery confirmed that the artwork would reflect diversity and undertook to discuss this further with the successful artist and Project Manager.

### **Resolved**

- (1) That the progress on the delivery of the Wednesbury to Brierley Hill Metro Extension be noted.
- (2) That the Head of Projects and Delivery be requested to provide a breakdown of the budget utilised to date and progress of the business case once available.
- (3) That the Head of Projects and Delivery be requested to provide a breakdown of costs undertaken in the feasibility appraisal in relation to the Art Track: Metro Art Programme.

## 48 **Scrutiny Review – Black Country Plan**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted on the scrutiny review relating to the Black Country Plan.

In referring to the request made at the last meeting of the Committee for a recommendation to be formulated asking the Director of Public Health and Wellbeing to undertake an evaluation of localised data for Dudley on growth population figures, the Committee was informed of the following statement prepared by the Directorate of Regeneration and Enterprise:

“Any evaluation of the housing numbers would need to take place at a Black Country level due to the need calculation being for the Black Country and not just Dudley. The Council’s Public Health Intelligence Team have been approached regarding the task and have confirmed that they do not have the relevant skills or experience to advise on the datasets used to determine population growth and have recommended a referral to Office of National Statistics. If this work was to be undertaken it would need to be externally commissioned and would require someone with demography experience, potentially from an academic background and would take time to both commission and undertake. This work would not be completed in a timeframe to assist with this Plan.



The West Midlands Combined Authority (WMCA) has commissioned a piece of work to look at the Urban Capacity of the Black Country. As part of this commission, the consultants have been asked from an industry perspective whether there appears to be potential for challenge at an examination on the housing numbers and provide and a high-level overview to identify, from an industry perspective, areas where any significant challenge might be made. Consultants have also been asked to provide a narrative on the extent to which the methodology might be revised in relation to unattributable population change and the target of 300,000 homes per annum nationally.

Following the recent appointment of Michael Gove as the Secretary of State Levelling Up, Housing and Communities, it has since been confirmed that he has “paused” any potential reforms to the planning system and intends to review the method by which housing numbers are calculated as he believes that “some of the assumptions are probably out of date”. Given the above position, it is advisable that we await the outcomes of the work commissioned by WMCA and any further announcements from Government on potential reforms to the ways housing numbers are determined.”

Councillor J Foster shared her concern that the statement had not been circulated to the Committee in advance of the meeting and queried why the Directorate of Public Health and Wellbeing was unable to undertake the task requested at the last meeting.

The Chair confirmed that the purpose of the interim report was to discuss plans for the next meeting to consider the Black Country Plan and reiterated that Public Health had commented that they did not have the ‘in house’ skills or experience to undertake the task requested by the Committee.

Councillor J Foster considered that officers from the Directorate of Regeneration and Enterprise and Public Health should have attended this meeting to answer questions and suggested that this should be raised with the respective Directors.

In responding to Councillor C Barnett’s comments that the statement provided suggested a potential impact to the Black Country Plan going forward, the Chair confirmed that the consultation period had now concluded and the submissions across all four Black Country local authorities would be processed and analysed. He proposed that a meeting be arranged early in the new year to consider the responses submitted and the opportunity to invite expert witnesses so that the Committee could consider the matter further. He also referred to the decision of the Secretary of State to suspend any potential reforms to the planning system and the work undertaken by the West Midlands Combined Authority which should be presented to the Committee in due course.

Councillor S Ali suggested that the timescales of the work by the West Midlands Combined Authority should be taken into consideration together with the potential implications locally and for the Black Country Plan going forward.



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Councillor J Foster again shared her disappointment that she had no further information to update her constituents at this stage.

Councillor Z Islam queried how long the Committee would be prepared to wait should the work by the West Midlands Combined Authority work not be completed in readiness for the next meeting and also considered that the number of responses to the consultation from the Black Country as a whole was relatively low. He raised serious concern about the validity of the population figures stated within the Black Country Plan.

Councillor M Rogers also shared his concerns that the Public Health Intelligence Team reported that they did not have the relevant skills or experience to advise on the datasets. The Chair stated that the evaluation of growth population also included household figures and that officers responsible would be invited to the next meeting and that the timescales in which the work by the West Midlands Combined Authority was expected to be completed would be explored.

The Chair agreed that a copy of the statement would be circulated to the Committee for information.

### **Resolved**

- (1) That the outcomes of the scrutiny review undertaken during the public consultation on the draft Black Country Plan, as summarised in the report, be noted.
- (2) That a report on the outcomes of the consultation be submitted to a future meeting of the Cabinet and that further scrutiny review work be undertaken by this Committee at the appropriate time in line with timescales to be agreed.
- (3) That the arrangements for any additional meetings of this Committee, together with the necessary timescales, be agreed following consultation with the Chair and Vice-Chair.

The meeting ended at 8.00pm

CHAIR



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FC/73