

**Minutes of the Future Council Scrutiny Committee  
Wednesday, 7<sup>th</sup> September, 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 C Barnett, C Bayton, T Creed, P Dobb, J Foster, M Howard, I Kettle,  
A Lees, T Russon, P Sahota and K Shakespeare.

**Officers:**

C Blunn (Corporate Performance Manager), S Haycox (Corporate Performance Support), P Mountford (Head of Economic Growth and Skills) and K Taylor (Democratic Services Officer).

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**9 Apology for Absence**

An apology for absence was received on behalf of Councillor S Ali.

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**10 Appointment of Substitute Member**

It was noted that Councillor C Bayton had been appointed as substitute Member for Councillor S Ali for this meeting of the Committee only.

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**11 Declarations of Interest**

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

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## 12 **Minutes**

In responding to comments made, Councillor J Foster was requested to e-mail the Chair and Vice-Chair outlining suggestions and actions, as discussed at the previous meeting, for consideration for inclusion on the Scrutiny Committee Action Tracker.

### **Resolved**

That the minutes of the meeting held on 8<sup>th</sup> June, 2022 be approved as correct records and signed.

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## 13 **Public Forum**

No issues were raised under this agenda item.

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## 14 **Stalled Sites – Strategies for bringing back into use privately owned vacant land and property**

A report of the Director of Regeneration and Enterprise was submitted on the strategies being deployed by the Local Authority to bring back into use privately owned land and property which remained derelict or untidy of where development was stalled.

The Head of Economic Growth and Skills gave a presentation to the Committee and in doing so confirmed that a Working Group had been established to coordinate work across multiple service areas regarding land and property identified as problem or derelict sites where development had stalled. Following a consultation process, which included Member Ward Walks, an initial list containing 68 sites was developed by Officers. This list was revised to produce a priority list of 20 sites which was approved by informal Cabinet in November, 2021. The methodology utilised in identifying priority sites where public sector intervention had the greatest potential to bring stalled and derelict sites to market was outlined in the report submitted.

It was noted that all 68 sites had been mapped on GISMO (Dudley's Corporate Geographical Information System) layer and individual site plans developed. It was further noted that the 20 priority sites had been categorised to enable a targeted and focused approach to delivery to allow resources to be better managed. A summary of the four categories were outlined at the meeting.

Focus was being given to sites that were in categories 2 and 3 with substantial progress to early development being made in relation to six sites, with the possibility of potential enforcement actions being identified to three sites.

An overview of case studies where positive action on derelict sites was outlined, including the work undertaken in relation to the redevelopment of Wolverhampton Street, Dudley and Colley Gate, Cradley. It was noted that officers from Housing and Communities had developed and secured planning permissions for a residential led scheme for the redevelopment of Colley Gate, Cradley for an 8-unit affordable housing scheme. The Council had recently appointed Thomas Lister, Chartered Surveyors, to support with the acquisition of the site.

A Sub-group had been established to oversee Category 3 and 4 sites, together with delivery options being developed for those sites. Further consideration would also be given to maximise engagement and to support landowners of properties that had been vacant for longer periods of time.

Reference was made to the procurement of specialist development and legal consultants to assist with the most appropriate course of action for each site. A blanket cabinet approval to acquire and extinguish interest in land and new rights by agreement or through a Compulsory Purchase Order for all sites to assist in discussions with landowners was also being considered.

The Head of Economic Growth and Skills reported on the development of a high-level project plan, including a spending profile, in order to positively influence the programme moving forward.

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



- a) Councillor A Lees suggested that all stalled sites appeared to be identified for housing development and queried whether this would positively impact the Black Country Plan and negate the need to use Greenbelt spaces.

In responding, the Head of Economic Growth and Skills confirmed that all sites were assigned as residential and had already been included as identified sites within the Black Country Plan.

- b) In responding to a question raised by Councillor K Shakespeare, the Head of Economic Growth and Skills undertook to confirm whether the initial long list of 68 sites had been identified for housing redevelopment.
- c) The Head of Economic Growth and Skills stated that in view of limited resources, focus was predominately being given to the 20 priority sites in the first instance. He also referred to the implications and delays arising from the Pandemic and anticipated that in response to the wider economy pressures and inflation of construction prices, this would also likely affect future delivery.
- d) Councillor P Sahota welcomed the report submitted and referred to the lack of key performance indicators in relation to Compulsory Purchase Orders (CPO) and suggested that monitoring the number of CPO's implemented by the Local Authority in comparison to local neighbouring authorities would be beneficial.

The Head of Economic Growth and Skills acknowledged comments made, although emphasised that enforcement should only be used as a last resort where it had not been possible to resolve matters through pro-active engagement with land and property owners. In order for enforcement tools to be utilised, the Local Authority would be requested to demonstrate that active discussions had been undertaken.

- e) Councillor P Sahota referred to Members contributions in highlighting areas for development and referred specifically to areas that required significant redevelopment including properties on Hall Street, Dudley.

In responding, the Head of Economic Growth and Skills confirmed that the Stalled and Derelict sites Working Group had been established taking into account Members comments and recommendations. It was reported that the planned site for the Portersfield Development included properties on Hall Street within the red line boundary.

- f) Councillor P Sahota reiterated the importance of ascertaining benchmarking information against neighbouring authorities in relation to enforcement. In acknowledging comments made, the Chair suggested that a process be considered for monitoring enforcement and success rate of the Local Authority either through key performance indicators or quarterly updates.
- g) Councillor C Bayton referred to the significant difference in the number of sites identified for residential use within the report submitted and those suggested within the Black Country Plan and queried whether the Local Authority was as ambitious as they could be in maximising vacant and derelict sites for redevelopment.

- h) Councillor C Bayton made reference to the number of enforcement powers awarded to the Council and queried whether they were effectively utilised in order to achieve best outcomes.

In responding, the Head of Economic Growth and Skills acknowledged comments made and advised that Section 215 (s215) of the Town & Country Planning Act 1990 (the Act) provided a local planning authority (LPA) with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affected the amenity of the area. It does not place a requirement of the landowner to commence or complete development. In deciding whether to serve a Section 215 notices the local planning authority therefore needs to consider for example, the condition of the site, the impact on the surrounding area and the scope of their powers. In this way the need for positive engagement with landowners to bring forward development on stalled sites was essential moving forward. It was suggested that the limited resources available prohibited the Local Authority in maximising use of the powers awarded to them in relation to enforcement.

- i) In responding to comments made, the Committee agreed to formulate a recommendation to the appropriate decision taker to consider additional staffing capacity and resources to enable the Local Authority to maximise their powers in relation to enforcement in particular in relation to derelict and stalled sites.
- j) Councillor I Kettle commented positively on the report submitted and considered the project to be a good initiative in influencing and progressing the programme further.



- k) Councillor J Foster suggested that the criteria did not focus on community impact and sought clarification as to how the Local Authority could move forward at a faster pace. It was considered that that the process in acquiring sites for larger developments, such as Portersfield, was easier comparatively to smaller sites. She also envisaged that more properties would become neglected as a result of the energy costs inflation and queried whether the Local Authority had considered those implications moving forward.

The Head of Economic Growth and Skills confirmed that a number of sites had been identified following recommendations received from Ward Councillors and although there had been sites identified and incorporated in the list, this would not preclude any other sites to be considered for review or enforcement, if necessary. The methodology criteria utilised considered economic factors and impact which enabled a more positive and structured focus on activity and supplementary management of allocated funding.

- l) It was confirmed that information regarding future developments within the Borough could be shared with Ward Members and residents for information.
- m) In responding to Councillor J Foster, the Head of Economic Growth and Skills undertook to investigate the work undertaken by neighbouring local authorities in relation to the redevelopment of derelict sites and provide a response to the Committee.
- n) In responding to a question raised by Councillor A Davies, the Head of Economic Growth and Skills confirmed that there had not previously been a coordinated approach implemented and referred to the flexible nature associated with the programme. The Committee was assured that the Working Group monitored progress on a monthly basis, and it was agreed that consideration be given as to how Members could receive quarterly updates in relation to derelict and stalled sites for information.
- o) Full Council had approved a £1 million budget in February, 2022, to support the work of the stalled and derelict sites working group, with a specific focus in facilitating the acquisitions of properties by the Council to bring forward development.



- p) In responding to a request by Councillor A Davies, the Head of Economic Growth and Skills assured the Committee that the Working Group were actively reviewing the categorisation of sites and case studies could be provided for information, if requested.
- q) Councillor P Sahota referred to the need for dedicated staff focusing on this area and suggested that the Local Authority should demonstrate and lead by example in ensuring that Council owned land and corporate property were well maintained and utilised appropriately.
- r) Councillor C Barnett considered that the £1 million budget was not sufficient to address the number of sites that required development and referred to the abolishment of borrowing caps on the Housing Revenue Account and queried why the Local Authority was not borrowing more in order to facilitate additional residential developments.

In responding, the Head of Economic Growth and Skills undertook to refer the question to the appropriate officer for a response.

- s) In responding to a question raised by the Chair in relation to available funding support and engagement with prospective developers and landowners, the Head of Economic Growth and Skills reiterated the importance of positive dialogue between the Local Authority and developers and landowners and recognised that further work and support was required in restoring funding gaps.

## **Resolved**

- (1) That the information contained in the report submitted be noted.
- (2) That the positive actions being undertaken by services in seeking to bring back into use privately owned land and property which remained vacant and derelict, be acknowledged.
- (3) That the limitations of statutory powers in requiring private landowners to bring forward vacant and derelict sites for development be recognised.





- (4) That the Head of Economic Growth and Skills be requested to:
- (i) confirm whether the initial long list of 68 sites had been identified for housing redevelopment.
  - (ii) investigate the work undertaken by neighbouring local authorities in relation to the redevelopment of derelict sites and provide a response to the Committee;
  - (iii) refer the question in relation to further borrowing from the Housing Revenue Account in order to facilitate additional residential developments to the appropriate officer for a response.
- (5) That the appropriate decision taker be requested to consider additional staffing capacity and resources to enable the Local Authority to maximise their powers in relation to enforcement in particular in relation to derelict and stalled sites.
- (6) That updates on progress made in relation to derelict and stalled sites, as discussed at the Working Group, be circulated to all Members on a quarterly basis for information.
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15 **Corporate Quarterly Performance Report – Quarter 1 (1<sup>st</sup> April to 30<sup>th</sup> June, 2022)**

A report of the Chief Executive was submitted on the Quarter 1 Corporate Quarterly Performance report covering the period 1<sup>st</sup> April to 30<sup>th</sup> June, 2022. Two Directorate Service Summary Documents had been appended to the report submitted, providing an overview of service delivery and achievements during the given quarter focusing on Housing and Community Services and Public Realm.

Reference was made to the request previously made for training for Members in relation to performance data and the Corporate Performance Manager confirmed that discussions had commenced with the Local Government Association and Members would be updated accordingly.



In presenting key information through presentation slides, the Corporate Performance Manager made particular reference to the fifteen performance indicators that were below target, as outlined in Appendix 1 of the report submitted. It was noted that the overall annual trend for the collective key performance indicators had identified that fourteen measures had improved performance, six remained consistent and fifteen highlighted a downward trend in comparison to the previous year. A detailed account of the performance indicators was outlined in the appendix to the report submitted.

With regard to performance indicators in relation to gullies and highways, it was reported that both programmes had been delayed as a result of a change of contractors during Quarter 1, however assurance had been given that both programmes would be on target for Quarter 2.

Further consideration would be given to the monitoring and reporting of Quarter 2 and 4 data by reviewing the trend collectively and, if deemed necessary, Directors could then be invited to the respective Committee meetings based on performance in order to provide further context on the outturn and provide further service delivery information.

It was noted that alongside supporting documentation, including the corporate performance management framework and the Council Plan on a page, a Council Plan Strategic document was currently being formatted and would be launched shortly.

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

- a) In responding to a request by Councillor M Howard, the Corporate Performance Manager undertook to circulate a copy of the Corporate Complaints Policy to Members for information.
- b) Reference was made to the Members training in relation to performance data, in particular that the training should be delivered by both in-house officers and external bodies, specifically tailored to Scrutiny which incorporated an external perspective on best practice. The Committee requested that training be pursued with the Local Government Association and extended to all Members.



- c) Councillor P Sahota expressed concern regarding the number of Key Performance Indicators for each Directorate and expected that action plans were implemented for each Directorate to ensure that targets were being monitored accordingly.

The Corporate Performance Manager indicated that directorates undertake benchmarking exercises, as necessary, working in consultation with Directors and the Strategic Executive Board, whilst considering framework, delivery and monitoring within directorate performance plans. It was confirmed that although the Chief Executive considered and approved key performance indicators, it was the role of the corporate performance team in conjunction with performance leads within directorates to challenge targets and assess whether they were focused and achievable. It was further noted that Cabinet Members were updated on indicators relevant to their portfolio accordingly.

- d) In responding to a question raised by Councillor A Lees in relation to partnership working with Audit Services, the Corporate Performance Manager referred to the recently launched Audit Framework and the Spectrum Audit System which allowed directorates the ability to easily monitor audit actions, which also linked with performance indicators. The Corporate Performance Manager undertook to investigate whether the Spectrum Audit System was accessible by Elected Members via the Members Portal.

In relation to quarterly reporting on Directorate Plans, the Chair and Vice-Chair agreed to give consideration to areas for further scrutiny during Quarter 2 and Quarter 4, taking into account any recommendations submitted by Members.

## **Resolved**

- (1) That the Quarter 1 Corporate Quarterly Performance report covering the period 1<sup>st</sup> April to 30<sup>th</sup> June, 2022, be noted.



- (2) That the Corporate Performance Manager be requested to:
- (i) circulate a copy of the Corporate Complaints Policy to Members for information;
  - (ii) arrange training with the Local Government Association in relation to performance management, to be extended to all Members.
  - (iii) investigate whether the Spectrum Audit System was accessible by Elected Members via the Members Portal.
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16 **Feedback from the Future Council Scrutiny Committee Working Group – Consultation Process Review Across the Authority**

A report of the Chair of the Future Council Scrutiny Committee Working Group was submitted on the feedback from the Future Council Scrutiny Working Group meeting held on 27<sup>th</sup> July, 2022 to consider the consultation process review across the Authority.

**Resolved**

- (1) That the information contained in the report submitted be noted.
  - (2) That the Chief Executives Office to lead a review of consultation processes across all directorates, to collate information and identify best practice areas to inform a consistent corporate approach.
  - (3) That the Scrutiny Committee support the continued use of a multi-channel approach to communication with the wider public and key stakeholders to raise awareness of consultations and encourage participation.
  - (4) That the outcomes of the review of consultation process be e-mailed to the Scrutiny Committee for information.
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17 **Future Council Scrutiny Progress Tracker and Future Business**



In referring to the inclusion of an additional item in the Scrutiny Programme in relation to the Council's bid for City Status, the Chair confirmed that feedback had been received from the Government, however it was considered that there was insufficient data to fully scrutinise this area, and therefore this item would not be included in the current Annual Scrutiny Programme. The Chair agreed that a copy of the feedback letter would be circulated to Member's for information.

### **Resolved**

- (1) That the Future Council Scrutiny Progress Tracker and Future Business, as outlined in the report, be noted.
- (2) That a copy of the letter outlining feedback in relation to the Council's bid for City Status be circulated to Members for information.

The meeting ended at 7.20pm

CHAIR



FC/24