

Meeting of the Council

**Monday, 10th July, 2023 at 6.30pm
(or upon conclusion of the Extraordinary Meeting)
at Dudley Town Hall, St James's Road, Dudley**

You are hereby summoned to attend a meeting of the Dudley Metropolitan Borough Council for the purpose of transacting the business set out in the numbered agenda items listed below.

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

1. Apologies for absence
2. To receive any declarations of interest under the Members' Code of Conduct
3. To confirm and sign the minutes of the Annual Meeting held on 18th May and the Extraordinary Meeting held on 20th June, 2023 as correct records (Pages 6 - 25)
4. Mayor's Announcements
5. To receive reports from meetings as follows:

Meetings of the Cabinet dated 28th June and 6th July, 2023

Councillor P Harley to move:

- (a) Capital Programme Monitoring and Medium Term Financial Strategy (Pages 26 – 50)

Councillor R Clinton to move:

- (b) Energy Development Fund (Pages 51 - 55)

6. Annual Report of the Audit and Standards Committee 2022/23 (Pages 56 - 66)
7. Constitution and Related Matters (Pages 67 - 72)
8. Notice of Motion

(a) Bring Dudley Town Football Club back home

To consider the following notice of motion received from Councillor S Ali on 20th June, 2023:

“Dudley Town FC (The Robins) was established in 1888 and originally had a stadium adjacent to Dudley Cricket County ground, now known as Castle Gate Park. However, in 1985, a section of the football ground and subsequently the cricket ground experienced subsidence. Both grounds were closed. Several plans were proposed to make the old ground safe and facilitate the club's return, but unfortunately, these efforts were unsuccessful. In 1990, it was decided that the site would be redeveloped as a business and leisure park, known today as Castle Gate.

An article titled "The day a hole closed a football sports ground forever" in the Birmingham Mail on September 29th, 2017 perfectly summarised the situation. The loss of these facilities undoubtedly had a significant impact on Dudley's presence in the world of football and cricket.

For the past 38 years, the club has been without a permanent home ground and has played at various venues, including Tividale, Halesowen, Gornal, Amblecote, and Brierley Hill. Over the last 4-5 years, the club has been playing out of Dudley Borough in Willenhall as their temporary home.

After a successful season, the club has achieved a momentous milestone by securing promotion to the Midlands Football League, Premier Division, marking the end of a 38-year wait. This achievement is a testament to the club's resilience and

determination to keep going, despite the challenges of finding a permanent location they can call home.
In light of the need to house Dudley Town Football Club in Dudley Town the Council resolves to:

- (1) Bring Dudley Town Football Club back to their hometown of Dudley and work with the club to identify a suitable location for their home ground.
- (2) Organise arrangements to celebrate the club's promotion to the Midlands Football League, Premier Division and express appreciation for their hard work and dedication throughout the years.
- (3) Ensure that the Council regularly acknowledges and celebrates significant achievements of individuals and sports clubs across the borough, recognising that each accomplishment is a source of pride for our community.
- (4) Establish a cross-party working group, supported by Council officers and involving key sports clubs and individuals, to develop an ambitious sports strategy that fosters the growth and promotion of sports across the borough, catering for people of all ages, genders, and abilities."

9. Questions from Members under Council Procedure Rule 11
10. To consider any business not on the agenda which by reason of special circumstances the Mayor is of the opinion should be considered at the meeting as a matter of urgency under the provisions of the Local Government Act 1972

Distribution: All Members of the Council



Chief Executive

Dated: 30th June, 2023

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General

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**Minutes of the Annual Meeting of the Council
Thursday, 18th May, 2023 at 6.00pm
at Dudley College of Technology, The Broadway, Dudley**

Present:

S Greenaway (Mayor)
Councillor A Goddard (Deputy Mayor)
Councillors S Ali, A Aston, M Aston, P Atkins, C Barnett, C Bayton, D Bevan, I Bevan, H Bills, D Borley, S Bothul, P Bradley, R Buttery, B Challenor, S Clark, J Clinton, R Clinton, R Collins, D Corfield, J Cowell, T Creed, T Crumpton, A Davies, K Denning, P Dobb, P Drake, M Dudley, C Eccles, J Elliott, M Evans, J Foster, M Hanif, D Harley, P Harley, A Hopwood, M Howard, A Hughes, L Johnson, S Keasey, I Kettle, E Lawrence, P Lee, A Lees, K Lewis, W Little, P Lowe, J Martin, P Miller, S Mughal, N Neale, A Qayyum, K Razzaq, S Ridney, M Rogers, T Russon, P Sahota, D Stanley, C Sullivan, W Sullivan, A Taylor, E Taylor, L Taylor-Childs, A Tromans, M Webb, K Westwood, M Westwood and Q Zada together with the Chief Executive and other Officers

1 Election of Mayor

The Mayor invited nominations for election to the office of Mayor of the Borough for the 2023/24 municipal year.

Councillor A Goddard was nominated by Councillor P Harley. The nomination was seconded by Councillor P Bradley.

Resolved

That Councillor A Goddard be elected Mayor of the Borough for the 2023/24 Municipal Year.

Councillor A Goddard then made and subscribed to the Statutory Declaration of Acceptance of Office and took the Chair.

2 **Election of Deputy Mayor**

The Mayor invited nominations for election to the office of Deputy Mayor of the Borough for the 2023/24 municipal year.

Councillor P Lee was nominated by Councillor P Harley. The nomination was seconded by Councillor P Bradley.

Resolved

That Councillor P Lee be elected Deputy Mayor of the Borough for the 2023/24 Municipal Year.

3 **Acceptance of Office of Deputy Mayor**

Following an adjournment for robing to take place, Councillor P Lee made and subscribed to the Statutory Declaration of Acceptance of the Office of Deputy Mayor.

4 **Address by the Mayor**

The Mayor addressed the Council expressing thanks upon her election.

5 **Tributes to the Retiring Mayor and Mayor's Consort and Presentation of Badges**

Tributes were paid to the retiring Mayor and Mayor's Consort, followed by the presentation of badges.

S Greenaway addressed the Council and expressed thanks for all the support that had enabled her to carry out her duties as Mayor.

6 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors K Casey, S Henley and S Phipps.

7 **Minutes**

Resolved

That the minutes of the meetings held on 17th April, 2023 be approved as correct records and signed.

8 **Mayor's Announcements**

(a) Councillor Richard Body

The Mayor referred in sympathetic terms to the death of Councillor Richard Body. The Council observed a minute of silence as a mark of respect. Councillors P Harley, Q Zada and T Crumpton paid tributes to the memory of Richard Body. Full tributes would be paid at the next meeting of the Council.

(b) Mayor's Consort

The Mayor's Consort for the 2023/24 Municipal Year was Councillor J Clinton.

(c) Deputy Mayoress

The Deputy Mayoress for the 2023/24 Municipal Year was Mrs G Lee.

(d) Mayor's Chaplain

The Mayor's Chaplain for the 2023/24 Municipal Year was Reverend M Hemus.

(e) Mayor's Charities

The Mayor's Charities to be supported in the 2023/24 Municipal Year were:

Community First Responders
Mary Stevens Hospice
UpsnDowns
Prostate Cancer UK

(f) “At Home” Event

To be held on a date to be arranged.

(g) Armed Forces Day

To be held on 25th June, 2023.

(h) Civic Sunday

To be held on a date to be arranged.

(i) Black Country Musicom Festival

To be held on 15th and 16th July, 2023.

(j) Mayor’s Charity Cricket Match

To be held on a date to be arranged at the Memorial Ground,
Amblecote, Stourbridge.

(k) Newly Elected Members of the Council

The Mayor welcomed the following Members who had been elected
to the Council at the municipal elections on 4th May, 2023:

Councillor K Denning
Councillor M Dudley
Councillor W Little
Councillor A Qayyum
Councillor C Sullivan
Councillor A Tromans
Councillor M Webb
Councillor K Westwood

(I) Former Councillors

The Mayor paid tribute to the service given by former Councillors R Ahmed, S Greenaway and A Millward who were not re-elected at the municipal elections on 4th May, 2023.

9 **Declarations of Interest**

No declarations of interests, in accordance with the Members' Code of Conduct, were received in respect of any item to be considered at this meeting.

10 **Leader of the Council**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted.

It was moved by the Mayor, seconded by Councillor P Bradley and

Resolved

That the report be received and noted.

11 **Appointment and Membership of the Cabinet and Committees for 2023/24 and Related Matters**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted.

It was moved by Councillor P Harley, seconded by Councillor P Bradley and

Resolved

- (1) That the information contained in the list circulated by the Leader concerning the appointment of the Deputy Leader and Members of the Cabinet for the 2023/24 municipal year, as set out below, be noted together with the designations of Cabinet Members:

- (a) That Councillor P Bradley be appointed as Deputy Leader of the Council for the 2023/24 Municipal Year.
- (b) That the Leader of the Council and nine other Members comprise the Cabinet for the 2023/24 Municipal Year and that the names of the Members to serve for the year be as follows:-

Councillors P Atkins, I Bevan, P Bradley, R Buttery, S Clark, D Corfield, P Harley, N Neale, R Clinton and L Taylor-Childs.
- (c) That all Members of the Shadow Cabinet be invited to attend meetings of the Cabinet to speak but not vote.
- (d) That the assignment of Portfolios to the Cabinet Members and the names of the corresponding Opposition (Labour) Group Spokespersons be as set out below:-

Leader and Cabinet Members

<u>Councillor</u>	<u>Portfolio</u>
P Harley	Leader of the Council (Policy)
P Bradley	Deputy Leader (Communities and Economic Delivery)
N Neale	Adult Social Care
R Buttery	Children's Services and Education
R Clinton	Climate Change
P Atkins	Corporate Strategy
S Clark	Finance, Legal and Human Resources
D Corfield	Highways and Environmental Services
L Taylor-Childs	Housing and Safer Communities
I Bevan	Public Health

Opposition Group Spokespersons (Shadow Cabinet)

<u>Councillor</u>	<u>Portfolio</u>
Q Zada	Opposition Group Leader (Policy)
J Foster	Opposition Group Deputy Leader (Human Resources, EDI and Legal)
S Ali	Finance and Digital

P Lowe	Health and Wellbeing
S Ridney	Children's Services, Young People and Families
C Bayton	Climate Change and Environment
A Aston	Housing, Communities and Leisure
K Casey	Highways and Street Scene
J Cowell	Commercialisation, Procurement and Audit
P Sahota	Regeneration, Skills and Employment

- (2) That the structure of Committees for 2023/24 be approved on the basis set out in the report and the lists circulated at the meeting.
- (3) That the terms of reference and functions of Committees, as set out in Part 3 of the Constitution, be approved subject to any consequential amendments arising from decisions made at this meeting.
- (4) That, with the exceptions referred to in the report, the composition and Membership of Committees for the 2023/24 municipal year be determined in accordance with the political balance requirements of Sections 15 and 16 of the Local Government and Housing Act 1989, as shown on the lists circulated at the meeting:

	<u>Total</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Overview and Scrutiny Committee	11	7	4	
Adult Social Care Select Committee	11	7	4	
Children's Services Select Committee (Excluding Co-opted Members)	11	7	4	
Climate Change Select Committee	11	7	4	
Corporate and Economic Strategy Select Committee	11	7	4	

Highways and Environmental Services Select Committee	11	7	4	
Housing and Safer Communities Select Committee	11	7	4	
Public Health Select Committee (Excluding Co-opted Member)	11	7	4	
Appointments Committee	9	5	4	
Audit and Standards Committee	9	6	3	
Children's Corporate Parenting Board	12	6	5	1
Planning Committee	9	6	3	
Ernest Stevens Trusts Management Committee (Excluding Co-opted Members)	6	4	2	
Licensing and Safety Committee	12	7	5	
Taxis Committee	9	6	3	

- (5) That the appointment of Members to Committees for the 2023/24 municipal year be on the basis of the nominations made by political groups as follows:-

Overview and Scrutiny Committee

Councillors (Conservative)

J Clinton
P Dobb
S Keasey
I Kettle
E Lawrence
M Rogers
D Stanley

Councillors (Labour)

S Ali
H Bills
J Foster
A Hughes

Adult Social Care Select Committee

Councillors (Conservative)

S Bothul
R Collins
A Davies
A Hopwood
L Johnson
M Rogers
C Sullivan

Councillors (Labour)

T Crumpton
M Hanif
P Lowe
A Qayyum

Children's Services Select Committee

Councillors (Conservative)

D Bevan
R Collins
P Lee
K Lewis
D Stanley
C Sullivan
M Webb

Councillors (Labour)

C Bayton
M Howard
A Hughes
S Ridney

Together with provision for the appointment of statutory, non-elected, co-opted members with voting rights in matters concerning education:

Parent Governor Representatives

1. Secondary Schools – vacancy
2. Primary Schools – vacancy
3. Special Schools – C Collins

Church Representatives

4. Worcester Diocesan Board of Education – T Reid
5. Archdiocese of Birmingham – R May

Climate Change Select Committee

Councillors
(Conservative)

P Dobb
M Dudley
J Elliott
S Henley
S Keasey
M Rogers
T Russon

Councillors
(Labour)

C Barnett
C Bayton
C Eccles
A Tromans

Corporate and Economic Strategy Select Committee

Councillors
(Conservative)

A Davies
J Elliott
S Henley
A Hopwood
E Lawrence
T Russon
D Stanley

Councillors
(Labour)

A Aston
C Eccles
P Sahota
K Westwood

Highways and Environmental Services Select Committee

Councillors (Conservative)

D Borley
P Dobb
I Kettle
E Lawrence
A Lees
P Miller
W Sullivan

Councillors (Labour)

K Casey
K Denning
J Martin
S Mughal

Housing and Safer Communities Select Committee

Councillors (Conservative)

D Bevan
S Bothul
T Creed
A Davies
K Lewis
I Kettle
M Webb

Councillors (Labour)

A Aston
J Cowell
P Drake
J Martin

Public Health Select Committee

Councillors (Conservative)

J Clinton
R Collins
M Dudley
M Evans
D Harley
L Johnson
W Little

Councillors (Labour)

M Hanif
P Lowe
E Taylor
K Westwood

One non-elected co-opted member without voting rights:-

Healthwatch Dudley – Chief Officer (J Griffiths)

Appointments Committee

Councillors
(Conservative)

P Bradley
R Buttery
D Corfield
P Harley
L Taylor-Childs

Councillors
(Labour)

J Foster
Q Zada
Labour Group nomination
Labour Group nomination

Audit and Standards Committee

Councillors
(Conservative)

D Borley
T Creed
M Evans
S Keasey
A Lees
W Little

Councillors
(Labour)

S Ali
J Cowell
J Foster

Children's Corporate Parenting Board

Councillors
(Conservative)

P Bradley
R Buttery
L Johnson
P Lee
K Lewis
D Stanley

Councillors
(Labour)

C Bayton
H Bills
M Howard
S Ridney
E Taylor

Councillor
(Independent)

M Westwood

Planning Committee

Councillors (Conservative)

S Bothul
B Challenor
D Harley
P Miller
K Razzaq
W Sullivan

Councillors (Labour)

H Bills
P Drake
E Taylor

Ernest Stevens Trusts Management Committee

One ward Councillor from each of the following wards:

Cradley and Wollescote
T Crumpton

Norton
S Clark

Lye and Stourbridge North
D Borley

Pedmore and Stourbridge
East
I Kettle

Quarry Bank and Dudley
Wood
J Cowell

Wollaston and Stourbridge
Town
A Hopwood

Together with 3 non-elected co-opted members without voting rights:-

Friends of Stevens Park, Quarry Bank – D Sparks
Friends of Wollescote Park – J Jones
Friends of Mary Stevens Park – H Rogers

Licensing and Safety Committee

Councillors (Conservative)

J Clinton
T Creed
M Evans
A Goddard
A Lees
K Razzaq
A Taylor

Councillors (Labour)

J Cowell
P Drake
M Howard
S Mughal
E Taylor

Taxis Committee

Councillors (Conservative)

B Challenor
D Harley
A Hopwood
W Little
W Sullivan
A Taylor

Councillors (Labour)

M Aston
K Denning
J Martin

- (6) That the proposals for the appointment of co-opted representatives to serve on the relevant Committees and the arrangements for the filling of vacancies be approved.
- (7) That the Licensing and Safety Committee be appointed in 2023/24 to undertake the statutory Committee functions in accordance with the Licensing Act 2003 and that the Committee comprise 12 Members.
- (8) That the Council confirm that the proportionality requirements of the Local Government and Housing Act 1989 shall not apply to Licensing Sub-Committees established by the Licensing and Safety Committee or to any Sub-Committee established by the Audit and Standards Committee to hear complaints against Members under the Members' Code of Conduct.

- (9) That the Chairs and Vice-Chairs of the following Committees be appointed for 2023/24:

<u>Committee</u>	<u>Chair</u>	<u>Vice-Chair</u>
	Councillor	Councillor
Overview and Scrutiny Committee	I Kettle	S Keasey
Adult Social Care Select Committee	M Rogers	L Johnson
Children's Services Select Committee	K Lewis	D Bevan
Climate Change Select Committee	P Dobb	T Russon
Corporate and Economic Strategy Select Committee	D Stanley	S Henley
Highways and Environmental Services Select Committee	E Lawrence	P Miller
Housing and Safer Communities Select Committee	A Davies	S Bothul
Public Health Select Committee	J Clinton	R Collins
Appointments Committee	P Harley	P Bradley
Audit and Standards Committee	A Lees	D Borley
Children's Corporate Parenting Board	R Buttery	S Ridney
Planning Committee	D Harley	W Sullivan
Ernest Stevens Trusts Management Committee	I Kettle	T Crumpton

Licensing and Safety
Committee

K Razzaq

A Taylor

Taxis Committee

A Hopwood

B Challenor

- (10) That the arrangements for substitutes on Committees, as set out in Council Procedure Rules, be reaffirmed for the 2023/24 municipal year.
- (11) That the Planning (Site Visits) Working Group be appointed for the 2023/24 Municipal Year to undertake visits to sites where the Committee has resolved that there should be a site visit and that the Working Group comprise all Members of the Planning Committee.
- (12) That Working Groups be appointed for the 2023/24 municipal year for Scrutiny/Select Committees, as appropriate, and that the membership of the Working Groups comprise all Members of the relevant Committees.
- (13) That the Dudley Health and Wellbeing Board be established in 2023/24 on the basis set out in the report.
- (14) That the 'Your Home, Your Forums' be re-established in 2023/24 on the basis previously approved by the Council.
- (15) That Revd Adam Hadley, Richard Phillips and William Read be appointed as Independent Persons for the period ending with the annual meeting of the Council in May, 2027.
- (16) That the Monitoring Officer be authorised to take any necessary and consequential actions that are required to implement the proposals contained in the report and any other decisions taken at this meeting of the Council.

12 **Constitution and Scheme of Delegation**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted.

It was moved by Councillor P Harley, seconded by Councillor P Bradley and

Resolved

- (1) That the Constitution and Scheme of Delegation be reaffirmed for the 2023/24 municipal year.
 - (2) That the Monitoring Officer be authorised to make any necessary and consequential amendments to the Constitution arising from decisions made by the Council and to reflect any ongoing restructuring activity, changes in legislative requirements, statutory provisions or associated regulations or guidance.
 - (3) That all references in the Constitution to statutory provisions be taken to include any subsequent legislation, Statutory Instruments, Regulations, Orders or Guidance issued under those statutory provisions.
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13 Programme of Meetings for 2023/24

A report of the Lead for Law and Governance (Monitoring Officer) was submitted.

It was moved by Councillor P Harley, seconded by Councillor P Bradley and

Resolved

- (1) That the recommendation in the report and the programme of meetings for the 2023/24 municipal year, as circulated at the meeting, be approved.
 - (2) That the Lead for Law and Governance, following consultation with the Leader of the Council, the Opposition Group Leader and Committee Chairs, as appropriate, be authorised to make any necessary amendments to the programme of meetings during the municipal year.
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14 **Appointments/Nominations to Other Bodies**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted.

It was moved by Councillor P Harley, seconded by Councillor P Bradley and

Resolved

That the Lead for Law and Governance (Monitoring Officer), following consultation with the Leader of the Council and the Opposition Group Leader, be authorised to make appointments/nominations to other bodies as required.

15 **Urgent Business**

There was no urgent business for consideration at this meeting.

The meeting ended at 6.45 pm

MAYOR

**Minutes of an Extraordinary Meeting of the Council
Tuesday, 20th June, 2023 at 6.00pm
at Dudley College of Technology, The Broadway, Dudley**

Present:

Councillor A Goddard (Mayor)
Councillor P Lee (Deputy Mayor)
Councillors S Ali, A Aston, P Atkins, C Barnett, C Bayton, D Bevan, I Bevan, H Bills, S Bothul, P Bradley, R Buttery, K Casey, B Challenor, S Clark, Dr R Clinton, R Collins, D Corfield, J Cowell, T Creed, T Crumpton, A Davies, K Denning, P Drake, M Dudley, J Elliott, M Evans, J Foster, M Hanif, D Harley, P Harley, S Henley, M Howard, A Hughes, L Johnson, S Keasey, I Kettle, E Lawrence, K Lewis, W Little, P Lowe, J Martin, P Miller, S Mughal, N Neale, S Phipps, A Qayyum, K Razzaq, S Ridley, M Rogers, T Russon, P Sahota, D Stanley, C Sullivan, W Sullivan, A Taylor, E Taylor, L Taylor-Childs, M Webb, K Westwood, M Westwood and Q Zada together with the Chief Executive and other Officers

Prayers

The Mayor led the Council in saying the Lord's Prayer.

16 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors M Aston, D Borley, J Clinton, P Dobb, C Eccles, A Hopwood, A Lees and A Tromans.

17 Declaration of Interests

In line with dispensations set out in the Members' Code of Conduct, no Member had a disclosable pecuniary interest in relation to the ceremonial honours referred to in Minute No 18 below.

Councillor Richard Body and Honorary Freeman Fred Hunt

With reference to Minute No. 8(a) of the Annual Meeting of the Council held on 18th May, 2023, a minute of silence had previously been observed as a mark of respect to the late Councillor Richard Body.

The Mayor referred to the death of Honorary Freeman Fred Hunt who had served as a County Councillor; a Dudley Councillor for Lye and Wollescote; as Leader of Dudley Metropolitan Borough Council and as Mayor of the Borough in 1999/2000.

The Council observed a minute of silence as a mark of respect to his memory.

Members of the Council then paid individual tributes to the late Councillor Richard Body and Honorary Freeman Fred Hunt.

18 **Appointment of Honorary Freeman/Women and Honorary Aldermen/Women**

A report of the Chief Executive was submitted.

It was moved by Councillor P Harley, seconded by Councillor Q Zada and

Resolved

- (1) That pursuant to Section 249 of the Local Government Act 1972:
 - (a) the Council hereby confers the Freedom of the Borough upon former Councillor Karen Shakespeare.
 - (b) the Council hereby confers the title of Honorary Alderman upon former Councillor Kenneth Finch.
 - (c) the Council hereby posthumously confers the title of Honorary Alderman upon the late Councillor Richard Body.
- (2) That the Chief Executive be authorised to make any necessary arrangements regarding the future presentation of the awards.

The meeting ended at 7.05 pm

MAYOR

CL/20

Meeting of the Council – 10th July, 2023

Report of the Cabinet

Capital Programme Monitoring and Medium Term Financial Strategy

Purpose

1. To report progress with the implementation of the Capital Programme, including the 2022/23 outturn position.
2. To propose amendments to the Capital Programme.
3. To consider amendments to the Medium Term Financial Strategy.

Recommendations

4. The Council is recommended:
 - That the outturn position for 2022/23, as set out in paragraph 5 and Appendix A, be noted.
 - That progress with the 2023/24 Capital Programme, as set out in Appendix B, be noted.
 - That the parks development budget of £200,000 be approved and included in the Capital Programme, as set out in paragraph 8.
 - That the reallocation of car park infrastructure capital budgets of £130,000 to CCTV works at car parks be approved, as set out in paragraph 9.
 - That the transfer of capital budgets for Telecare services from Private Sector Housing to Adults Social Care be approved and included in the Capital Programme, as set out in paragraph 10.
 - That the new project of £25,000 funded by the Connected Services digital grant be approved and included in the Capital Programme, as set out in paragraph 11.

- That the Family Hubs capital grant and expenditure of £47,000 and estimated values for future years be approved and included in the Capital Programme, as set out in paragraph 12.
- That the additional budget of £60,000 for solar panels at Duncan Edwards Leisure Centre be approved and included in the Capital Programme as set out in paragraph 13.
- That a budget of £250,000 is approved and included in the Capital Programme for work on Dudley Town centre as set out in paragraph 14.
- That the urgent amendment to the Capital Programme to improve tennis facilities in parks across Dudley for £284,000 be approved and included in the Capital Programme, as set out in paragraph 15.
- That recommendations from the Cabinet meeting on 6th July, 2023, concerning amendments to the Medium Term Financial Strategy, be confirmed as referred to in paragraphs 16 to 20.

Background

Capital Spending and Financing 2022/23

5. The Council's capital expenditure in the year totalled £99.3m, as follows. A comparison with budget is shown in Appendix A.

	£'000
Public Sector Housing	57,858
Private Sector Housing	6,084
Environment	3,552
Transport	10,217
Regeneration and Corporate Landlord	12,886
Culture, Leisure and Bereavement	2,216
Schools and SEND	5,067
Social Care, Health and Well Being	237
Digital, Commercial and Customer Services	1,138
Total spend	99,255
Revenue	3,452
Major Repairs Reserve (Housing)	24,065
Capital receipts	21,725
Grants and contributions	45,449
Capital Financing Requirement	4,564
Total funding	99,255

6. The table below summarises the *current* 3 year Capital Programme updated where appropriate to reflect latest scheme spending profiles.

	2023/24	2024/25	2025/26
	£'000	£'000	£'000
Public Sector Housing	65,158	50,816	44,114
Private Sector Housing	18,868	1,459	71
Environment	19,306	3,000	3,000
Transport	13,216	9,570	8,530
Regeneration and Corporate Landlord	20,767	22,023	11,359
Culture, Leisure and Bereavement	5,381	1,900	0
Schools and SEND	31,950	22,600	0
Social Care, Health and Well Being	907	0	0
Digital, Commercial and Customer Services	1,882	893	1,393
Total spend	177,435	112,261	68,467
Revenue	4,131	3,452	3,580
Major Repairs Reserve (Housing)	25,517	26,000	26,456
Capital receipts	23,032	17,310	20,993
Grants and contributions	34,129	21,052	17,438
Capital Financing Requirement	90,626	44,447	0
Total funding	177,435	112,261	68,467

Note that the capital programme is subject to the availability of Government funding.

7. An update on progress with the Council's most significant capital schemes is shown in Appendix A. It is proposed that the current position be noted.

Parks Development Projects

8. In the Medium Term Financial Strategy an additional £300,000 growth for parks development works has been added to Environment's revenue budgets. It has been determined that approximately £200,000 of this is capital expenditure. Work is expected to commence in 2023/24 in the following locations: Lawyers Field, Woodside Park, Kingswinford Park and Tenscore.

It is proposed that £200,000 is included in the 2023/24 Capital Programme and will be funded by revenue contributions from the growth provided in the 2023/24 revenue budget.

CCTV improvements

9. There is currently a budget of £283,000 for car park infrastructure within Environment. It is proposed that £130,000 of capital expenditure is allocated to CCTV improvements at car parks across the borough.

Telecare

10. Disabled Facilities Grant (DFG), which is a ring-fenced element of the Better Care Fund and is currently held within the Private Sector Housing budget, supports adaptations to properties to enable continued independent living for elderly and disabled residents. Capital expenditure on the provision of Telecare alarm systems is eligible spend within the conditions of the Grant and with the move to digital Telecare equipment necessitating the replacement of all existing alarm units with new digital units, it is proposed to earmark £2m of our £6.4m DFG allocation in 2023/24 for this purpose.

As the Telecare service sits within Adult Social Care, it is proposed that this element of the DFG budget is transferred from Private Sector Housing to Adult Social Care in 2023/24. Further discussions are taking place which could mean a further £2m of DFG in 2024/25 is also allocated to Adult Social Care and this will be taken to Cabinet if it is agreed.

Connected Services Digital Grant

11. West Midlands Combined Authority (WMCA) has been awarded funding from the Secretary of State for Levelling Up, Housing and Communities to support residents in the West Midlands Region by providing digital devices and associated equipment and software. As part of the award the WMCA are devolving capital funding to local authorities to support with the purchasing of digital equipment as part of the Connected Services Programme, with Dudley being allocated £25,000 capital funding within the financial year 2023/24.

It is proposed that this project of £25,000 is included in the Capital Programme in 2023/24.

Family Hubs Grant

12. The Family Hubs grant received from the Department for Health and Social Care in partnership with the Department for Education includes a 5% allocation for capital expenditure. This equated to £47,000 from the 2022/23 allocation, an estimated £75,000 from the 2023/24 allocation and an estimated £63,200 from the 2024/25 allocation. This will be spent on

developing existing Family Centre sites and new satellite sites. £12,000 accelerated payment was made in 2022/23 to address infection control measures in Children's Centres so that health partners could co-locate.

It is proposed that the £12,000 accelerated spend in 2022/23 be noted and further allocations of grant and expenditure funded from future annual capital allocations of the Family Hubs grants be included in the Capital Programme.

Solar Panels

13. There is currently a £132,000 budget within Culture, Leisure and Bereavement for the installation of solar panels at Duncan Edwards Leisure Centre which was approved by the Council in July 2021. This was to be funded from revenue savings in reduced electricity costs across 25 years. Further costings have since been carried out and it is proposed that additional panels are added taking the total costs to £190,000. The additional costs will also be funded by revenue savings in electricity costs over the next 25 years.

It is proposed that the additional £60,000 budget is approved and included in the Capital Programme.

Dudley Town Centre

14. To ensure the long-term viability of our town centres, work is underway on several interventions that will seek to increase footfall. Dudley Town Centre, and specifically the Market, requires tailored interventions to maximise the flexibility of the high street and the ability to use the space in new and innovative ways. Funds are requested to undertake feasibility and design work on what the physical make-up of the market should be, and to ultimately replace the current fixed stall structures with flexible demountable stalls which can be increased and decreased as required to avoid empty stalls, and so ensuring the market looks full, vibrant, and freeing up the remaining space to be used for a different purpose. This fund would be blended with other capital funding, such as highways, to create a different look and feel to the Dudley Market.

Detailed costings have not yet been sought, therefore a capital budget of £250,000, which would allow the design work to begin, is estimated at this stage. The practical delivery timetable will depend upon the specific designs.

It is proposed that a budget of £250,000 is approved and included within the Capital Programme and will be funded by prudential borrowing with repayments funded from the Regeneration and Enterprise Directorate.

Urgent Amendments to the Capital Programme

15. As part of an aim to get 1 million more tennis players by 2024, the Lawn Tennis Association (LTA) and Central Government have put together a £30 million investment package to transform 4,500 public tennis courts. As one of 368 Local Authorities to have publicly available tennis courts the Council has been granted £280,537.11 by the LTA to improve tennis facilities within the borough. Six sites have been identified as viable for facility investment and at each location the LTA will install digital gate access technology. Additional works (up to £2,991.45) that cannot be funded by the grant will be funded via Section 106 monies.

In order to progress the scheme and ensure the funding from the LTA is secured a decision (ref. DPR/04/2023) was made by the Leader of the Council in consultation with the Director of Finance and Legal on 2nd June 2023 to include this project in the Capital Programme.

Medium Term Financial Strategy

16. On 6th July, 2023, the Cabinet is considering a report on the 2022/23 Provisional Revenue Outturn and changes to the Medium Term Financial Strategy. The report to the Cabinet, together with full details and implications, is available on the [Council's Internet site](#).
17. The Cabinet is being recommended on 6th July, 2023:
- To note the financial position of the Council as set out in the Cabinet report.
 - To consider, in the light of the Council's financial position, whether to recommend to Council to amend the budgets as outlined in paragraphs 19 and 20 below.
18. Confirmation of the recommendations from the Cabinet meeting on 6th July, 2023 will be reported at the Council meeting on 10th July, 2023.
19. The Medium Term Financial Strategy agreed by the Council in March 2023 included a saving of £1.1m per year from December 2024 from reductions in the cost of the library contract. These proposals have now been reviewed in the light of analysis of service usage, social value considerations and resident representations. The following savings have also been reviewed and the report to the Cabinet sets out the financial impact of removing these and the library savings from the MTFS:
- Review of HWRC operating hours
 - Review of current free surface car parks
 - Overnight car parking charges

20. A number of additional spending proposals have also been developed. Further detail is provided within Appendix C.

Finance

21. This report is financial in nature and information about the individual proposals is contained within the body of the report.

Law

22. The Council's budgeting process is governed by the Local Government Act 1972, the Local Government Planning and Land Act 1980, the Local Government Finance Act 1988, the Local Government and Housing Act 1989, and the Local Government Act 2003.

Risk Management

23. Risks, and their management, are considered prior to proposals being brought forward to include projects in the Capital Programme. This includes risks relating to the capital expenditure itself, funding of that expenditure (e.g. grant availability and conditions), and ongoing revenue costs and/or income.

Equality Impact

24. These proposals comply with the Council's policy on Equality and Diversity.
25. With regard to Children and Young People:
- The Capital Programme for Schools will be spent wholly on improving services for children and young people. Other elements of the Capital Programme will also have a significant impact on this group.
 - Consultation is undertaken with children and young people, if appropriate, when developing individual capital projects within the Programme.
 - There has been no direct involvement of children and young people in developing the proposals in this report.

Human Resources/Organisational Development

26. The proposals in this report do not have any direct Human Resources / Organisational Development implications.

Commercial / Procurement

27. All procurement activity will be carried out in accordance with the Council's Contract Standing Orders, and the relevant officers will take the procurements through the Procurement Management Group to monitor compliance at the relevant Gateways.

Environment / Climate Change

28. Individual capital projects should be separately assessed for their environmental impact before they commence and major schemes with climate change impacts will include details of this in their progress reports going forward.

Council Priorities and Projects

29. Proposed capital projects are in line with the Council's capital investment priorities as set out in the approved Capital Strategy.



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Leader of the Council

2022/23 Capital Outturn

	Budget*	Outturn Spend	Variance	Comments
Service	£'000	£'000	£'000	
Public Sector Housing	57,858	57,858	0	
Private Sector Housing	6,083	6,084	1	
Environment	3,544	3,552	8	See Note 1
Transport	10,210	10,217	7	See Note 2
Regeneration and Corporate Landlord	11,836	12,886	1,050	See Note 3
Culture, Leisure and Bereavement	2,216	2,216	0	
Schools and SEND	5,067	5,067	0	
Social Care, Health and Well Being	237	237	0	
Digital, Commercial and Customer Services	1,138	1,138	0	
Total	98,189	99,255	1,066	

* Updated where appropriate to reflect latest scheme spending profiles

1. Small overspends on Greenspaces projects funded by additional Community Forum contributions and flood management overspend funded by additional CERA.
2. Small variances in final spending of one project funded by CERA.
3. VLR project overspend of £1.1m offset slightly by underspend on CCTV project (£60k).

Progress with Major Capital Schemes**Public Sector Housing**New Council HousingProjects on site

- New Swinford Hall – conversion to 18 affordable apartments - completion July 23
- Corporation Road B – 5 houses - completion August to October 2023
- Whitegates Road – 3 houses - completion July 23
- St Georges Road – 7 houses - completion July 23
- Beacon Rise – 11 homes - completion December 23 – with £605k Homes England Grant secured
- Lower Valley Road – 17 affordable homes, 14 apartments (mix of one and two beds) and 3 x two bedroom wheelchair bungalows. £935,000 Homes England Grant secured - completion February 24
- Swan Street – 75 units – 54 Sheltered and 21 houses - £4m Homes England Grant secured, completion October 2025

Planning approval has previously been secured to progress six sites under the brownfield land programme, the funding for which is managed by Walsall Council on behalf of the West Midlands Combined Authority. Due to the current pressures on the HRA Capital Programme, the Council are seeking to negotiate a 12 month extension to completion of these sites to ensure that adequate capital budgets would be available to support delivery. The sites which would be developed under the brownfield land programme are listed below:

- Fairfield Road – 3 units
- Broad Street – 9 number units
- Enville Street – 10 number units – knotweed and clearance during winter
- Howley Grange Road – 4 number units
- Tenacre Lane – 4 number units
- Hurst Hill – 8 number units

The brownfield land programme also includes a site at Langstone Road for 3x units but planning approval for this scheme has not yet been obtained.

Planning approval has been obtained, and a Compulsory Purchase Order has commenced to facilitate the redevelopment of 122 to 128 Colley Gate, Cradley, to deliver a new housing scheme of 8 units. The development was originally intended to be funded through the HRA capital programme but due to the pressures referenced above alternative options are now being considered,

acknowledging that the redevelopment of the properties at Colley Gate remains a priority.

Environment

Stevens Park, Quarry Bank Lottery & Council funded project

The refurbishment & extension of Tintern House is complete with remedial works to external paving areas due for completion by the end of June. The final account can then be agreed.

The Emily Jordan Foundation Projects are running their projects: 'Spokes' (Bicycle restoration & sales) 'Twigs' (Horticultural training & sales) & 'Go Green' (recycling).

The Community Development Officer is carrying out a series of events & activities until Autumn 2024.

Wrens Nest Wardens' Base

The acquisition of 113 and 115 Wrens Hill Road was completed on 6th August 2021.

Meetings over the course of 2022 culminated in Officers holding a couple of workshops in October and November with the Friends of Wrens Nest and architects from Corporate Landlords to develop an initial preferred design option for a Wardens Base and Visitor Facility.

Officers are preparing a report outlining the work to date and which will seek a decision to progress the project further.

Regeneration & Enterprise

Dudley Townscape Heritage

The Townscape Heritage (TH) programme is funded through the National Lottery Heritage Fund (NLHF) which offers grant assistance to carry out repair, reinstatement and refurbishment works to historic buildings, as well as a programme of complementary education and community engagement activities. The Phase 2 TH programme, operating with a grant budget of £1.178m from the NLHF and £300,000 match funding from the Council, commenced in February 2017. An extension to the grant expiry date has been agreed by the Heritage Fund and the programme is now due to complete September 2023, to enable all spend on projects to be drawn down.

The programme focuses on buildings in the town centre's historic core. The work at 203/204 Wolverhampton Street, 216 Wolverhampton Street and 204a Wolverhampton Street has been completed, with 14 New Street and Fountain Arcade being practically complete. Other properties within the programme include the following:

- 208 and 209 Wolverhampton Street: shopfronts have been installed and awaiting signage
- Plaza Mall: shopfront has been manufactured and ready for installation June
- 207 Wolverhampton Street: project includes comprehensive repairs to the building and reinstatement of shopfront. Work to windows, re-rendering and reinstatement of shopfront due for completion August

A wide-ranging activities programme, running alongside the capital works programme, has been developed and delivered in conjunction with teams in Adult and Community Learning, Museums, Communications and Public Affairs and the Historic Environment Team. A revised programme was agreed with the Heritage Fund which was adapted in light of Covid-19 restrictions.

Further activities were included in the programme working with delivery partners (Co Lab) who already have established links with the community of Dudley. This has seen the successful 'Growing up in Dudley' project, which has gathered images and oral reminiscences, and 'Dudley Days' which held workshops with a small group of participants to create music inspired by connections with Dudley. Teaching resources have been produced as part of the programme and have been shared with schools. The project also works closely with the Historic Environment Team to produce information in the form of trails and leaflets to enhance understanding and appreciation of the historic environment, including a suite of guides, which are currently being drafted, to assist owners of historic buildings.

The project continues to work with volunteers where possible and research has been carried out on the former Woolworth's building resulting in a new document being produced for the Heritage Open Day in September 2022. A further document about Fountain Arcade has also been drafted and will be added to the suite of building leaflets included on the Dudley Heritage Open Days webpage, where the virtual tours of a number of buildings are available, and the Historic Environment Team's webpage.

A new exhibition display in the form of 4 pull-up banners about the history of Dudley were produced for the Heritage Open Day and these are currently on display at the Museum. The programme has also included the installation of a blue plaque on the former School of Art to commemorate Percy Shakespeare, a 4-page insert in the autumn (2021) edition of the Home magazine and the printing of the City ID map for Dudley. A training session for bricklaying

students at Dudley College has also taken place in October, where 3 students received hands-on training from a conservation bricklaying specialist.

Brierley Hill High Street Heritage Action Zone

The High Street Heritage Action Zone Programme (HSHAZ) is a nationwide initiative designed to secure lasting improvements to historic high streets for the communities who use them. It is Government funded and run by Historic England with the aim of making the high street a more attractive, engaging and vibrant place for people to live, work and spend time. It is designed to unlock the potential of high streets across England, fuelling economic, social and cultural recovery. Brierley Hill High Street was one of 68 High Streets selected to receive a share of the fund.

The Brierley Hill High Street HAZ is a 4 year programme, due for completion by March 2024. At the start of the programme a grant of £1.8m was awarded by Historic England with £400,000 match funding coming from the Council, equating to an overall grant of 81.80% from Historic England and an overall budget of £2.2m. At the end of September 2021, this figure was increased with an additional grant of £242,171 from Historic England, which with the 18.20% match from the Council provides a total grant increase of £296,052.46 and an overall budget of just under £2.5m.

The programme provides grant assistance to third parties to carry out repair, reinstatement and refurbishment works to historic buildings as well as grant assistance towards bringing vacant floorspace back into use. It also provides grant towards public realm improvements, plus there is a programme of complementary education and community engagement activities. The spend profile and the priorities for funding have been agreed and approved by Historic England.

Public Realm Programme and War Memorial

For years one and two, the priority has been works to the Brierley Hill War memorial. The works to the memorial have been divided up into two phases. Phase 1 commenced on-site in August 2021 and focused on installing lighting, repairs and architectural reinstatement works to the Brierley Hill War Memorial and its immediate setting and Phase 2 commenced on-site late November 2021 and focused on the War Memorial Garden where significant stabilisation works to the embankment have been undertaken along with structural repairs to the intermediate walls that runs through its centre plus the laying out of a soft landscaping scheme. Works on both phases are now complete.

We are still in the rectification period for Phase 2, where any defects identified need to be remedied before final certificates can be issued. Oliver Architecture have issued the list of snags to the main contractor, the main one being to address the proliferation of weeds in the soft landscaped parts of the site. This

matter is being pursued through the contract and will be resolved before formal handover to Green Care.

In terms of public realm proposals for the Civic Hall Green and St Mary's Church and for the public realm proposals being delivered through the Future High Street Fund, the public were consulted on the proposals in October/November of 2022. The main contractor is on-site, 90% of the new paving has been laid in the Market Side of the High Street, in late June/early July the contractor will move over to the opposite side of the road with the view that by the Autumn works will have commenced in the Civic Hall Green. For more information about the public realm proposals click on this link:

<https://www.regeneratingdudley.org.uk/brierley-hill-projects> or look at the High Street HAZ webpage: <https://www.dudley.gov.uk/brierley-hill-haz>

Buildings Programme

This part of the programme is very dependent on the acceptance of grants by building owners and on contractors being appointed and being able to manage time pressures (imposed by the tight spend window for the project), significant rising costs and material delays.

As part of the original bid submission to Historic England, a number of historic buildings were identified to be a priority for grant assistance. Contact has now been established with the owners of all the priority projects and the majority of them are positively engaging with the Council and have now appointed a Conservation Accredited Architect in order to progress their proposals.

Grants have been offered and accepted on six projects:

- 2a and 2 Albion Street – works have commenced on-site and are well underway
- 68 High Street – works have commenced on-site and are well underway
- 101 High Street (Phase 1 – roof) - works have commenced on-site
- Brierley Hill Institute – contractor is due to start on-site soon
- 8 Mill Street – contractor is due to start on site soon
- St Mary's Church (door) – grant accepted

Several other priority projects are in the process seeking the necessary planning consents and drawing up tender documentation, one such example being Brierley Hill Market and 101 High Street Phase 2 (new shopfront). There are also projects that are out to tender, such as 123 High Street and there are projects such as 3-5 Church Street that have had the tenders returned but are far higher than the budget allows and therefore need to be valued engineered and re-tendered. Then there are also projects such as 109 High Street, 161-163 High Street and 96-100 High Street where Architects have been appointed and detailed plans prepared but the owner is currently unable to take the project forward.

Community Programme

Community engagement and activities are also being positively progressed and developed in conjunction with Brierley Hill Community Forum, Friends of Marsh Park, Dudley Market, the Black Country Living Museum and also with teams in Adult and Community Learning (ACL), Museums, Communications and Public Affairs, Dudley Business First and the Historic Environment Team. There is in place an Activity Plan for the project.

Cultural Programme

Other major element of the High Street Heritage HAZ is the development of a Cultural Programme in conjunction with Brierley Hill Community Forum. The Arts Council England, National Heritage Memorial Fund and Historic England are providing funding for the development and delivery of the HS HAZ Cultural Programme providing the total sum of £94,000 and this has to be delivered in accordance with an agreed Milestone and Instalment schedule.

Following a second call out for local creatives to submit new ideas for the final year of the programme, the following projects have been approved and are now in the process of being delivered.

- Radio Public Library (social art project) – Workshop 24
- Pop Up Gallery and Shop – Dudley College
- Brierley Hill Song Book – Dan Whitehouse
- Great Big Green Week – Ekho Collective
- These People, This Place - Ekho Collective
- 100 Faces of Brierley Hill
- Comic Con – Brierley Hill Library

For more information visit <https://www.facebook.com/brierleyhillculture>

Public Sector Decarbonisation

As previously reported the Council was awarded a grant of approximately £4.4m through the Public Sector Decarbonisation Scheme (PSDS) and managed by Salix, the purpose being to switch sites from carbon-intensive forms of heating such as oil and gas, to electrical forms of heating (air source heat pumps) with additional works including Solar photovoltaic (PV), battery storage and LED lighting upgrades where possible. The scheme covers Dudley Council House and Town Hall, Stourbridge Library, Himley Hall and Ward House as well as the following schools: Amblecote, Caslon, Cotwall End, Glynne, Queen Victoria, Straits, Milking Bank and Wrens Nest Primary Schools.

Works commenced during the summer of 2021 with all the installations at the named schools and corporate sites. All works are now practically completed at the various locations (Education & Corporate) including Solar Panels LED

Lighting and Air Source Heat Pumps, with the exception of some final testing and commissioning for some of the ASHP installations which is still on going. Due to increased usage of the Council House, the installation of the controls to the ASHP have been delayed temporarily but work to install these controls is now progressing.

Low Carbon Place Strategy

The Council was awarded approximately £2.5m European Regional Development Funding (ERDF) to deliver a project that will reduce carbon emissions. This is a joint project between Housing and Corporate Landlord Services that will reduce carbon emissions from council owned homes as well as corporate buildings such as the Council House. £2.5m of match funding is being met from existing HRA budgets. In November 2021 the council appointed a new central heating installer for council housing as the previous went into administration.

The programme recommenced slowly in December 2021 as the contractor mobilised. A project change request has been granted requesting a further 18 months be added to the programme deadlines, to enable this resultant delay to be accommodated which affects the Housing side of the programme. It should also be noted that where homes are sold under the Right to Buy scheme, but have had the benefit of the grant, the council is required to refund the capital impact of the grant. The programme of energy efficiency improvements to the corporate estate is nearing completion. The outstanding works of Solar PV at Halesowen Leisure Centre and optimised buildings at 4 Ednam and 3-5 St James, are due to be completed by the end of May 2023.

Very Light Rail (VLR)

Following a detailed review of the various issues, delays and variations previously reported the project Quantity Surveyor, RLB, have now presented their assessment of the final account for the project which is indicating an overspend of approximately £1.1m against the available budget. This is based on formal project handover having taken place on 16 September 2022.

The final account has now been agreed and signed off with the contractor.

Works continue in closing out outstanding issues and building snagging.

The project team have completed the paperwork to receive an additional £400,000 of ERDF funding which will be used to fund some of the overspend.

Metro Complementary Measures

The £9.1 million budget is to fund the works associated with the delivery of the Wednesbury to Brierley Hill Metro extension.

The legal agreement with Transport for West Midlands (TfWM) states that the Council will fund the complementary measures along the route including pedestrian crossings. The Council has also agreed with TfWM to fund the uplift of materials where the Metro is built through Dudley Town centre in order to provide high quality public realm. Large public realm interventions have been identified along the route at key stops, notably Station Drive (now Dudley Castle), Flood Street and Brierley Hill, to be funded by this programme of works. The £1million accelerated funding associated with the Towns Fund has been used to fund works to adopt Zoological Way, part of the works for the new loop road to access the Metro stop and some of the public realm work along the Zoo entrance on Castle Hill. Other public realm uplift works completed include those along the Metro route of Castle Hill to maintain and enhance the conservation character of the area, complementing the high-quality public realm at Market Square.

Other interventions along the route, which the Council needs to fund, include creating a new wayfinding system to improve legibility, increase walking and cycling to tram stops and to provide a consistent recognizable branded signage across the borough to residents and visitors giving the information that is needed. The consultant to develop the wayfinding system has been appointed through the OJEU process and started work on the system in October 2020. Dudley print map is now available. The Brierley Hill map is being developed. The Wayfinding Legibility Strategy has been developed and the totems and figure posts are being designed. The intention is to cover the costs for the manufacturing and installation through a combination of UKSPF and CRSTS funding.

Midland Metro Alliance (MMA) are constructing the Metro extension for TfWM. In July 2022 the WMCA Board confirmed that costs had increased for the WBHE and therefore it will be phased. The first phase finishes at Flood Street, Dudley and will be open to passengers in Summer 2025.

The Council is continuing to work with TfWM to confirm the scope of the complementary measures, the uplift of materials and the public realm interventions given the change in delivery by TfWM.

Towns Fund

Full planning permission was granted for the scheme at November 2021 Planning Committee under application P21/1505. After a short period to confirm

the application would not be called in by DLUHC the application planning consent was granted on 16 December 2021.

In the current macro-economic environment of high inflation, there are cost implications on the main construction period moving from 2023/24 to 2024/25. Cost modelling undertaken by independent cost consultant shows a £3-5m shortfall in funding for the consented 4332 m² building. Therefore, the DMBC and Dudley College are seeking funding from public bodies which benefit from the scheme including regional government and the NHS.

In March 2022 it was agreed that DMBC would use an insurance-backed alliancing contract provider that will provide contract documentation, facilitation and advisory services to Dudley MBC required to prepare and execute an insurance-backed alliancing construction contract. DMBC will be the lead authority for this contract for construction consultancy services. Total costs of using the IPI method of construction procurement will be up to £1.4m However, based on previous experience from Dudley College, we expect these costs will be balanced by significant savings over the course of the contract. These savings will principally come from insuring against cost overrun and a more transparent financial approach to contractor profit and costs.

The Alliance team were appointed at the beginning of 2023 and the Alliance Contract signed and dated 29 March 2023. The team have been working on design and costing since then. The scheme being developed is being discussed with the Planning Authority with a view to ensuring compliance with the consented scheme but still meeting the available budget. Discussions continue with the NHS on possible inclusion in the scheme but at this stage the lack of certainty of timing of any possible funding means the scheme is being design to a slightly reduced brief to meet the budget available.

Land assembly via negotiation, demolition and CPO is being progressed. At this stage in line with available budget.

CCTV

Phase 1 – Complete and operational.

Phase 2 - reflects the initial extension of coverage approved at the outset of the project. The main problems faced in this phase have been access to staff and materials throughout the last 18 months. Additional public realm cameras in this phase include:

- Cameras in Sedgley Bilston Street – completed.
- Wolverhampton Street Dudley – completed.
- Coronation Gardens – now completed and fully operational.
- Castle Gate – design work is complete. Columns have been erected, camera heads to be installed shortly. Waiting confirmation of power

installations and fibre optic circuit. Expected to be completed July 2023, however, this depends on ongoing works associated with the installation of Tram lines which is affecting work permits to work in the same area which is impacting fibre installation. Only 2 cameras remaining to complete.

- The cameras to Lye town centre have been completed and are operational
- All 12 deployable cameras are now in use.

Phase 3 - work includes the additional cameras requested and approved at Council in 2021, to be sited at:

- Kent Street Upper Gornal – completed.
- Shell Corner Halesowen – completed, although needs to be revisited following a RTA which damaged a column that is now waiting replacement..
- Netherton High Street – completed.
- Wollaston traffic island –Waiting on work permits from Highways to complete, rescheduled for July
- Toys Lane/Furlongs Road Colley Gate – completed.
- Queensway Pedmore – completed.
- Wynall Lane – completed.

Dudley Interchange

Transport for West Midlands (TfWM) has secured all the funding for the Interchange. Gateley Hamer are appointed to manage the CPO process. Counsel advice recommended that the CPO is split into two - one for the Interchange and associated highways works and another for the Portersfield scheme and highway works.

At the September 2021 Cabinet it was agreed that DMBC will use its CPO powers to purchase Farm Foods, the Photographic Studio on Birmingham Street and the properties required for the associated highways. As a result of the need to CPO properties the start date for the Interchange has been moved to Spring 2024, Completion is expected Summer 2025. Work was delayed as counsel recommended that a single planning application is required for both the building and the highway works. New planning application has been submitted. Updated report in relation to the CPO was approved at June Cabinet. Approval was granted by Planning Committee on 12th September.

In December 2022 Gateley Hamer submitted the CPO to the Planning Casework Unit (PCU) for confirmation by the Secretary of State. The PCU have confirmed that objections to the scheme have been received and a Planning Inspector has now been appointed by the PCU and a CPO Inquiry is expected in September/October 2023. A Statement of Case and rebuttal to the CPO

objections will be prepared for submission to the Planning Inspector within the require timescales.

In parallel Transport for West Midlands (TfWM) have completed a value engineering exercise on the Interchange building design and design changes have been submitted to the Council for consideration.

An alternative temporary location for the Interchange around Tower Street and Coronation Gardens during construction has been identified and this is currently being reviewed and costed by TfWM with support from the Council.

Dudley Town Centre Highways Infrastructure (Portersfield Development)

As reported previously the WMCA has conditionally approved funding to support changes to the highways Infrastructure to create access to the Portersfield development site and improve access to the wider Town Centre. This funding amounts to £6.0m. In addition to early design work, some site clearance was carried out to allow for intrusive site investigation to provide information to support the design process. In terms of any land acquisition required for highway changes this will be covered under a CPO that will be required for the overall development of the site. Highway design work relating to realigning Trindle Road was previously frozen to avoid any abortive spend until the review of the overall development site has been completed.

As a result of the wider development review an alternative highway option to leave Trindle Road on its current alignment is now being developed which includes high quality sustainable access measures, to support walking, cycling and bus movements, and this will be integrated into the design to support the wider overall sustainable Portersfield development aspirations.

Black Country Blue Network 2

The Blue Network project is nearing completion. The European Regional Development Fund funded project is due to finish 30th June 2023. Sedgley Beacon, Holloway Street and Castle Hill are all completed with a few minor tidying up / snagging works on the latter two. Turls Hill and Coseley projects led by Greencare are well underway and will be completed within timescales. We are forecasting that all outputs will be achieved and the scheme delivered within budget.

Refurbishment of Dudley Council House Campus

Essential maintenance elements of the project continue with coverings to the Council Chamber roof now being replaced.

Phase 1 to the 1st floor of the Council House has been handed over from the contractor and senior leadership is reoccupying new offices and associated spaces. Phase 2 on the Council House basement, parts of the 1st and 2nd floors of the Priory Street offices are now well underway. Phase 2 is scheduled to complete mid-August 2023. Further phases currently reflect:

- **Phase 3** - Ground floor incl. reception – churn July, then contractor starts on site 21st August and completes 22nd Dec 2023
- **Phase 4** - Old Police Building – churn December 2023, then contractor starts 2nd Jan 2024 and completes 17th May 2024
- **Phase 5** - Car Park – contractor starts 20th May 2024 and completes 9th August 2024

Brierley Hill (Future High Streets)

The Council secured £9.99m from the Future High Streets Fund in December 2020. This is to support a programme of activity at Brierley Hill, to be implemented in the period 2021 to 2026. The key objectives are to improve footfall, reduce vacancy rates and improve the diversity of shops and facilities. All Future High Streets Funding has to be drawn down by 2023/24. DMBC match funding, identified through existing approvals, will be used to fund projects within the latter part of the programme. The overall investment value of the programme is in the region of £44m.

Project summaries:

Public Realm and Connectivity Improvements (£4.75m) - Funding to connect the new Midland Metro terminus to the High Street, improve existing public realm connectivity between key buildings and provide new public spaces and pocket parks. Lead designer appointed in the autumn of 2021 to prepare and consult on proposals. The majority of the public realm works will be implemented during 2022/23 and 2023/24. Phasing of works around the Midlands Metro terminus to be reviewed, following West Midlands Combined Authority's decision in July 2022 to delay the implementation of Metro works from Dudley to Brierley Hill. Improvement works at the High Street commenced on site on 4 January 2023 and will run until the spring of 2024.

Key Retail Sites (£1.048m) - The owner of the Moor Centre has failed to secure planning approval to move the car parking from the rear of the site to the front. As the result, the Council's acquisition and redevelopment of the rear car park cannot be progressed within the Future High Street spend timescales. Following consultation with the Department for Levelling Up, a formal Project Change Request was submitted in September 2022 to move funding from the Moor Centre to support the public library (£365k) and public toilet refurbishment works (£194k). Tenders for both of these projects are double the original estimates. This is the result of materials shortages, the high rate of inflation

and transportation costs. The remainder of funding (£489k) will be transferred to the public realm programme where similar cost increases are expected. The Department for Levelling Up approved this project variation in January 2023.

Infrastructure and Air Quality Improvements (£255,000) - Future High Streets will provide support to amend two highway junctions at Venture Way. The intention is to improve pedestrian connectivity between the High Street and medical centre; reduce queuing traffic which has resulted in movement delays; and improved air quality levels. The works have now completed.

Addressing Housing Need (£3.55m) - Discussions are underway to acquire 10 acres of brownfield land known as Daniels Land and the High Plateau. These are two long-term vacant sites, formerly part of the Round Oak Steel Works that have remained undeveloped for over 40 years. Future High Streets funding will support site remediation and preparation costs. Dudley Council's Housing Department will then construct up to 220 new mixed tenure homes to meet local housing needs. An urban design study has been prepared that will inform the preparation of an architect's brief. This will allow detailed design proposals to be progressed for the sites.

Following INTU shopping centres entering administration, discussions have continued with Sovereign Centros which is the current managing agent acting on behalf of the creditors. The intention is to phase initial activity around the construction of the Metro rail viaduct that crosses the sites. A valuation has been agreed by the Council and creditors. Early construction of the Metro viaduct and Embankment tram halt is key to delivery of the housing redevelopment project. West Midlands's Combined Authority's decision in July 2022 to delay the Metro link from Dudley to Brierley Hill has severely impacted upon the delivery programme and the proposed redevelopment works are unable to proceed within the FSHF timescale.

The Housing Directorate's capital programme has been reduced and it is now unlikely the Council will proceed with the acquisition and redevelopment project. As the result, a review is being undertaken of how much of the Future High Streets funding can be reallocated to replacement projects within the programme in the period to 2023/24. This could include the introduction of new project activity, although this will need to be accompanied by an economic appraisal report that confirms value for money. It is understood the Minister is considering an extension to the current FHSF programme. A second Project Adjustment Request will therefore be submitted to the Department for Levelling Up in the summer of 2023. Discussions are also being held with West Midlands Combined Authority and Homes England over their acquisition of the land and the introduction of a more flexible funding package to remediate the sites and provide infrastructure. An Expression of interest was submitted in March 2023 for WMCA to acquire the sites and this was endorsed in May 2023. WMCA will now enter discussions with the site owner.

Public Library (£308,000) - refurbishment of Brierley Hill public library and ground floor housing department reception area. Scheme designs have been the subject of community consultation and have been well received. Freeholder approval has been received in-principle for the refurbishment works. Tenders are significantly over budget due to inflation and increases in the cost of building materials. A Project Variation Request to move funding from the Key Retail sites project to the library was approved in January 2023. The refurbishment works to the library commenced in May 2023 and will complete in September 2023.

Public Toilets (£80,000) - Reopening of public toilets to support the High Street visitor return following the coronavirus pandemic, and the provision of welfare facilities for Metro tram drivers. Midland Metro Alliance is making an additional contribution of £38,000 to support the works. Feasibility designs finalised that will also include changing facilities after discussions with stakeholder groups. Tenders are significantly over budget due to inflation and increases in the cost of building materials. A Project Variation Request to move funding from the Key Retail sites project to the public toilets was approved in January 2023. The refurbishment works to the toilets commenced in April 2023 and will complete in July 2023.

In addition to the Future High Streets Fund award, the Council has secured further investment from the West Midlands Combined Authority. This is to acquire land to support implementation of the High Street Link. A funding agreement between WMCA and DMBC completed in March 2022. This is a long-term vacant gap site where there is the opportunity to provide a new connection from the High Street to the Metro terminus and Health Centre. The land acquisitions completed in June 2023. Site clearance and demolition works will be undertaken in July 2023. A start on site for the pedestrianisation works is expected in the autumn of 2023.

A Town Board has now been established to oversee the various interventions underway in Brierley Hill. These include the Future High Streets Fund, Heritage Action Zone, and delivery of the Midland Metro. It includes Mike Wood MP, DMBC and business, community, and educational sector representatives. The Town Board meets on a quarterly basis.

Schools

Schools Basic Need Projects

Now that the project at Wordsley School and Crestwood Schools are now complete, focus is now on ensuring there are sufficient secondary school places in the Halesowen area. Talks with Halesowen Secondary Heads is ongoing.

Numbers for both primary and secondary school places continue to be closely monitored and processes are in place to recommend capital projects to address any projected growth across both sectors.

Special Educational Needs and Disability (SEND) Projects

We are continuing the process of re-profiling our special school and mainstream provision to bring it more closely in line with the current SEND pupil cohort and the special provision capital funding is a key component in this process.

In addition to funds carried forward from previous years, we have received a further allocation of capital funding for SEND. Projects to be funded are still being scoped with the need for detailed feasibility studies to be undertaken but is likely to include further expansion within our maintained special schools. A tender process has now been completed to establish a further primary SEMH base. This tender has now been concluded and the base will be established at Caslon primary school. The base is now operational, and work continues to create an outside play area exclusively for the base.

A further five bases have now been allocated to schools and we are in the process of scoping the works that need to be carried out to classrooms and playgrounds.

Additional Spending

Environment	Category	2023/24 £'000	2024/25 £'000	2025/26 £'000
Weed Control	EM	50	75	75
Street Scene, including Street Cleansing and Grounds Maintenance	EM	335	505	505
Clean Teams	EM	250	380	380
Total		635	960	960

Key

EM – Elected Member priority

Meeting of the Council – 10th July, 2023

Report of the Cabinet

Energy Development Fund

Purpose of Report

1. To propose the creation of an Energy Development Fund, which consists of £1M borrowing approval for investment in renewables to reduce the Council's carbon footprint and make financial savings.

Recommendations

2. The Council is recommended:
 - To include up to £1m of Climate initiatives within the Capital Programme which are self-financing over the life of the projects.
 - Subject to the above, to authorise the Director of Finance and Legal, following consultation with the Cabinet Member for Climate Change and the Deputy Chief Executive, to approve individual schemes which have a business case incorporating a payback of less than 7.5 years.

Background

Climate Policy

3. The Council declared a climate emergency in 2020 and committed to be Net Zero by 2030. Whilst some progress has been made, this has been largely predicated on funding streams such as the Public Sector Decarbonisation Scheme and SALIX funding.

4. Both funding streams have been re-profiled and now only support a certain percentage, typically 35%, with an expectation that the Council will meet the remaining financial deficit. This has proven difficult given the available resource internally to support funding rounds.
5. Delivery against the Council's Net Zero aspirations need to be accelerated if the Council is to deliver its target and become a Net Zero Council by 2030.

Energy Policy

6. Dudley consumes 97.88GWh of energy per year, this equates to 21,161 tonnes of CO₂ per year; this represents the amount of carbon that needs to be mitigated annually.
7. The energy management team is building capacity and resource to meet the needs of accurate billing and monitoring of the councils' emissions; this includes investing in renewable energy where a business case exists
8. The cost of energy is also rising and in the 2023/4 budget, the Council approved additional expenditure of £3.1M to reflect increasing energy costs. The Council can do little to influence the overall cost of energy, which is impacted by global factors but it can influence the amount of energy it uses as a result of local policy, both investment decisions in renewable energy sources and changes to energy use behaviour.

Energy Development Fund

9. An example of the types of schemes that may be considered are included in the table below for illustration only, if any of these initiatives are progressed then a business case will be developed to test the robustness of the proposal.

Detailed Measure Identified	Applicability	Identified Energy Saving Yr 1 (kWh)	CO ₂ e Saving	Averaged annual saving (£)	Capital cost to instigate (£)	Payback period
Solar PV Array	Stourbridge Town Hall	159,120	41	23,708	117,000	4.94
Solar PV Array	Dudley Town Hall	73,780	19	10,907	54,250	4.97
Solar PV Array	Corbyn Road Offices	106,352	27	15,793	78,200	4.95
Lighting and Controls	St James	345,193	88.2	51,779	141,991	2.74
Pool Cover	Crystal Leisure Centre	351,995	64.7	8,799	25,994	2.95
Direct Drive Pumps	St James	402,564	102.9	60,385	241,039	3.99
Cavity Wall Insulation	Ednam Road Offices	4,656,333	856.1	116,408	579,954	4.98

Duncan Edwards Leisure Centre

10. The first example of this approach is the installation of Solar PV panels at Duncan Edwards Leisure Centre. The roof space can accommodate a total of 281 solar panels. Elsewhere on this Council agenda is a proposed update to the Council's capital programme to allow this investment to be made and, subject to Council approval, these solar panels will be installed in the summer of 2023. This will reduce carbon emissions from this building by 69,000 kg per year. It is anticipated that this project will reduce annual electricity consumption at Duncan Edwards Leisure Centre by 147,000 KWh from the baseline of 933,000 KWh saving £45,000 per annum.

The financial appraisal of this investment is summarised below:

Cost of Investment	£192,000
Annual repayment of MRP & Interest	£15,361
Annual Maintenance cost	£1,914
KWH's per annum saving = 146,830 x £0.31 per KWH	-£45,517
Net Annual Savings	-£28,242
Pay Back period (years)	4.2

Finance

11. A full business case will be required for each proposal, outlining the initial capital investment, the expected consumption reduction, energy saving and the payback period of the proposed project. The payback period will then be stress tested based on an agreed set of criteria.
12. The scheme will only be recommended for approval if the scheme is self-financing meaning that the initial investment cost and resulting debt charges are recovered from energy savings because of the reduced consumption over the useful life of the asset.
13. It is proposed that the Energy Development Fund set out above be approved in principle, and subject to approval of the delegation outlined in the recommendations, the Director of Finance and Legal be authorised in consultation with the Cabinet Member for Climate Change and the Deputy Chief Executive to review schemes to access this funding where a robust business case of self-financing is clear.

Law

14. This proposal adheres to Climate Change Act 2008 and the Government's path to Net Zero by 2050.

Risk Management

15. The material risk is electricity costs are volatile and therefore payback rates will be driven by energy prices; rates are reviewed annually within our corporate contracts and therefore, rates may fall below the assumptions made in our payback calculations. The impact of this won't be evident for some time.
16. The environmental impact and risk towards achieving Dudley MBC's Net Zero target is also critical and any benefits a scheme can deliver to reduce carbon emissions is high priority.

Equality Impact

17. The proposals contained in this report are consistent with the Council's Equality and Diversity Policy.

Human Resources/Organisational Development

18. The Council is in the process of assembling a new Sustainability, Energy and Climate Change team with the skills and capacity to meet future challenges.
19. As this team is assembled, the Council will need to consider addressing organisational issues to allow the team to perform and succeed, for example, energy management is presently fragmented across the Council, despite the Council having a budget of £11.3m (£8m Electricity, £2.7m Gas and £0.7m Water Supply). In addition, with the new Power Purchase Agreement (PPA) that was put in place from February 14th to sell the electricity generated by the Energy from the Waste facility.
20. The Council is in the process of establishing a professional and corporate energy management function.
21. Phase one of the Environment Directorate's restructure established the post of Energy Manager to head up this team and now, under phase two, populates this team's structure.

22. In addition to building a team, it is proposed to transfer the processing of utility bills from the finance team to the Energy team from the 1st of September 2023, so that the Energy Management team has full oversight of the Council's energy expenditure and allows the team to influence spend decisions, both from a financial and sustainability viewpoint.
23. Under the Energy Manager's leadership and subject to employee consultation, a new team will be created consisting of:

Energy Analyst
Energy Projects Officer
Utilities Performance Officer
Technical Officer (Energy Management)

Commercial/Procurement

24. In line with social and environmental values set out by our procurement process.

Environment/Climate Change

25. The proposals contained in this report are consistent with the Council's approach to achieve Net Zero by 2030.

Council Priorities and Projects

26. Falls within the remit of Dudley MBC achieving Net Zero by 2030.



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Leader of the Council

Meeting of the Council - 10th July, 2023

Report of the Audit and Standards Committee

Annual Report of the Audit and Standards Committee 2022/23

Purpose of the Report

1. To receive the Annual Report of the Audit and Standards Committee for 2022/23.

Recommendation

2. That the report be received and noted.

Background

3. A Chartered Institute of Public Finance and Accountancy (CIPFA) self-assessment completed by the Head of Audit and Risk Management on the Audit and Standards Committee identified the production of an Annual Report as best practice. The production of an annual report promotes the work completed by the Audit and Standards Committee and will also be in line with the Council's Overview and Scrutiny Committees.
4. The annual report for 2022/23 is attached to this report.

Finance

5. There are no direct financial implications arising from this report.

Law

6. There is no legal requirement to complete an Annual Report, but it is considered best practice.

Risk Management

7. The proposals contained within this report do not raise any “material” risks.

Equality Impact

8. This report does not raise any equality and diversity issues.
9. The work carried out by Audit and Standards Committee will help to protect the interests of children and young people, albeit they were not consulted on, or involved, with the development of the Annual Report.

Human Resources/Organisational Development

10. There are no human resources/organisational developments implications relating to this report.

Commercial/Procurement

11. This report does not have any commercial/procurement implications.

Environment/Climate Change

12. There are no environmental/climate change issues associated with this report.

Council Priorities and Projects

13. The work undertaken by Audit and Standards Committee helps to ensure Council priorities are achieved by ensuring the Council has an effective framework of governance, risk management and internal control.



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Chair of the Audit and Standards Committee



**Chair -
Councillor
Angus Lees**

Annual report of the Audit and Standards Committee

2022/23 Muncipal Year



**Vice-Chair -
Councillor
Dave Borley**

This annual report gives a summary of the work completed by Audit and Standards Committee during the 2022/2023 municipal year.

The overarching purpose of this Committee is to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and governance processes.

To fulfil this responsibility the Committee oversees the work of Internal and External Audit, the Risk Management Framework, Fraud, Governance including approving the Code of Corporate Governance, Whistleblowing Policy and Annual Governance Statement (including assurance framework), Treasury Management, approval of the annual Statement of Accounts, approving Contract Standing Orders, Financial Regulations and Codes of Conduct and dealing with the misconduct of Members.

As you can see the Committee has wide ranging responsibility covering many aspects of the Council's work. If the Council is to achieve its priorities it must have effective systems of governance, risk management and internal control. The Committee plays a pivotal role in ensuring that this is the case.

We commend this annual report to the Council. We would like to place on record our appreciation of all the hard work and support given by Councillors, Officers, and External Audit who have contributed to our work during 2022/2023.

Full details of Audit and Standards Committee meetings, including agendas, minutes and reports, can be viewed online by accessing the [Committee Management Information System](#).

Alternatively, please contact Democratic Services on 01384 815238 or e-mail democratic.services@dudley.gov.uk.

Internal Audit

The main role of the Audit and Standards Committee in relation to internal audit is:

- To oversee its independence, objectivity, performance and professionalism.
- To support the effectiveness of the internal audit process.
- To promote the effective use of internal audit within the assurance framework.

During the year, the Committee have received for approval the Internal Audit Plan 2022-23, the Internal Audit Annual Report 2021-22, reports on the performance of Audit Services and Annual Audit Reports for the Chief Executive and the Deputy Chief Executive.

Outcomes:

- Approved the Internal Audit Plan for 2022/23 and ensured that it was based on the Council's key risks.
- Monitored the performance of Audit Services and the achievement of key performance indicators.
- Approved the Annual Audit Report for 2021/22 and acknowledged the Head of Audit and Risk Management's annual opinion on the effectiveness of governance, risk management and internal control. This would then be used to inform the Annual Governance Statement.
- Discussed progress in addressing the recommendations that came out of the external quality assessment on Audit Services.
- Challenged the Chief Executive, Deputy Chief Executive, Directors and Senior Managers on the Chief Executive and Deputy Chief Executive's annual reports and emphasised the importance of matters raised being addressed on a timely basis. Also, supported Audit Services by challenging why Actions raised in previous audit reports were still outstanding. The Committee made it clear that Audit Services must be taken seriously, and Audit Actions should be addressed as soon as possible. The Chief Executive and Deputy Chief Executive agreed to implement processes to ensure Directors are held to account if Audit Actions are not addressed on a timely basis.
- Members supported the follow up work undertaken by Audit Services on Minimal opinion audits and Critical and High priority Audit Actions and recognised that resources were not available to follow up Medium priority Actions on the same frequency.

- The Chartered Institute of Public Finance and Accountancy (CIPFA's) latest position statement on Audit Committees was noted.
- The Committee requested Members complete an Audit Committee skills and knowledge questionnaire and return it to the Head of Audit and Risk Management.
- Due to the size of the annual reports, Committee requested that a summary of findings is included at the start of the report. This change was reflected in the Deputy Chief Executive's Annual Report that was presented to the March 2023 meeting.
- The Committee recommended that the Children and Young People Scrutiny Committee receive a report on the work and progress of the Children's Transport Team as part of their annual scrutiny programme.

External Audit

The main role of the Audit and Standards Committee in relation to External Audit is:

- To support the independence of external audit through consideration of the external auditor's annual assessment of its independence.
- To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

During the year, the Committee have received the External Auditor's Annual report 2020-21, the Statement of Accounts 2021-22 and an updated Audit Findings Report 2020-21.

Outcome:

Annual Report 2020-21

- In presenting the Annual Report for 2020-21 the Committee were made aware that the External Auditors are no longer required to provide a Value for Money (VFM) opinion. Instead, the External Auditors are required to consider whether there are any significant weaknesses in the Authority's financial sustainability,

governance, and arrangements for securing the economy, efficiency, and effectiveness in its use of resources.

- The External Auditors raised concerns on the use of reserves to fund services and considered that this was not a sustainable position and the Authority would have to make savings to balance out the expenditure. Members commented that Dudley is a low council tax and low spending Council and questioned how this would be achieved.
- In relation to governance, the External Auditors noted that all core areas are now in place. However, a few areas of concern were raised around management of the Very Light Railway project, the role of the Monitoring Officer and particularly, Member/Officer relationships. If relationships between Members and Officers were not satisfactory, this could have an impact on the ability of the Authority to provide services. The External Auditors stated that the position of the Monitoring Officer was normally at Director level and recommended that this should be reviewed. The Committee resolved to refer this recommendation to the Chief Executive for consideration.
- Although the External Auditors did not identify any significant weaknesses in the Authority's arrangements for securing value for money and no key recommendations were made, a number of improvement recommendations were raised. Council Senior Management provided a response to each of these recommendations and these will be monitored by the Committee going forward.

Statement of Accounts 2021-22

- The Statement of Accounts for 2021-22 was discussed with Committee. The Director of Finance and Legal Services stated that the External Auditors had not completed their review and only identified relatively minor issues to date.
- The Committee approved the Annual Statement of Accounts but acknowledged that if the External Auditors identify other changes that do not affect useable reserves, then the Chair can approve the revised accounts.

Updated Findings Report 2020-21

- It was noted that there were a number of amendments to the 2020/21 Audit Findings report in particular relating to property valuations, since it was originally presented to the Committee on 20th September 2021. Issues identified in relation to council housing and land and buildings valuations had delayed the audit being finalised and also required significant changes to the two previous years' accounts.

- Members raised questions in relation to the property valuation process and were informed that an external company had been appointed to carry out the valuations and this should help to alleviate the current workload pressures.
- The External Auditor raised recommendations in relation to land and buildings valuations and the need for a formal process for routine authorisation of journals. The Head of Financial Services confirmed that processes had been developed and would be implemented retrospectively on journal authorisations for a specified limit by the 2023/24 financial year.
- A Member questioned the £20,000 spend on digital forensics work. The External Auditor confirmed that the Digital Forensics Group within Grant Thornton UK LLP had provided Freeths LPLP with a data hosting platform in order to undertake an investigative review on behalf of the Council. Members were advised that this was in relation to a legal case and assurances were given that there was no conflict of interest in this area.
- The updated Audit Findings Report 2020-21 was noted by Committee
- The External Auditor's draft Letter of Representation was noted and the Chair was authorised to sign following consultation with the Director of Finance and Legal.

Risk Management

The main role of the Audit and Standards Committee in relation to risk management is:

- To monitor the effective development and operation of risk management in the Council.
- To monitor progress in addressing risk-related issues reported to the committee.

During the year, the Committee have received two reports on the Council's Risk Management Framework and the Council's Corporate Risks.

Outcome:

- Received two risk management reports during the year and reviewed the action being taken to address the key risks.
- Acknowledged the action undertaken to embed the new Risk Management Framework and supported the work currently being undertaken on this by the Head of Audit and Risk Management.

- Selected two risks (Recruitment and Retention and Procurement) for detailed scrutiny and questioned the appropriate Director/Senior Manager on the management of the risks.

Fraud

The main role of the Audit & Standards Committee in relation to fraud is:

- To monitor the Anti-Fraud and Corruption Strategy and Fraud Action Plan.
- To understand the fraud risk and potential harm to the Council from fraud and corruption.

During the year, the Committee has received an Annual Fraud Report and an Interim Performance Report, that also includes significant fraud matters.

Outcomes:

- Discussed and commented on the Annual Fraud Report, which is a report of fraud work completed by Audit Services in relation to prevention, detection, investigation and resolution. It also lists fraud work undertaken by other Council teams.

Governance

The main role of the Audit and Standards Committee in relation to governance is:

- To review the Council's corporate governance arrangements and approve the local code of corporate governance.
- To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the Head of Audit and Risk Management's annual opinion.
- To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives

During the year, the Committee have received reports on the Code of Corporate Governance, Annual Governance Statement, the re-appointment of the Standards Sub-Committee and the Annual Report of the Committee of Standards in Public Life.

Outcome:

- Approved the re-appointment of the Standards Sub-Committee for 2022/23 with its existing terms of reference and membership to deal with complaints against Members.
- The Annual Report of the Committee on Standards in Public Life was discussed and noted.
- Discussed and approved a revised Local Code of Corporate Governance. Members asked questions in relation to the Council's digital programme and how it would affect residents who are not able/or do not want to transact with the Council in a digital way. The Deputy Chief Executive agreed to discuss with the Committee the strategy on how the Council will support residents, particularly the elderly and vulnerable, to access services online. A report was subsequently brought to the April meeting of the Committee.
- Discussed the Annual Governance Statement 2021-22. The Committee asked for the statement to include the outcome of the special review that was discussed at the November meeting of the Committee. Committee also agreed for the same change to be made to the 2020-21 Annual Governance Statement as the issues were also present during 2020-21.
- It was raised with Committee during the March 2023 meeting that issues had been identified with Housing compliance data and a referral to the Regulator of Social Housing had been made. The Committee agreed a change to the Annual Governance Statement for 2021-22.
- During the discussion of the Annual Governance Statement, Members' also asked questions in relations to race equality, sickness levels, breaches of the Employees' Code of Conduct, exit interviews, Special Education Needs and Disabilities budget and Dudley Integrated Health and Care NHS Trust.
- In relation to the Annual Governance Statement, the Committee asked the Assistant Director People and Inclusion to provide a breakdown of the different reasons for sickness absences and for leaving the Local Authority, and further information in relation to the number of Employee Code of Conduct breaches, what these breaches related to and how these had been dealt with by the Local Authority.

Whistleblowing

The main role of the Audit and Standards Committee in relation to whistleblowing is:

- To review the effectiveness of the whistleblowing process
- To approve the Whistleblowing Policy

During the year, the Committee has received a whistleblowing monitoring report.

Outcome:

- Discussed and commented on the annual report on whistleblowing and the whistleblowing referrals received during the year.
- Members were concerned whether whistleblowers were victimised or disadvantaged as a result of their complaint. The Monitoring Officer advised that whistleblowers (if name known) were not generally followed up but he would take this into account when he carries out a comprehensive review of the Whistleblowing Policy later in the year.

Treasury Management

The main role of the Audit and Standards Committee is in relation to scrutiny of the treasury management strategy and policies.

During the year, the Committee have received two treasury management reports.

Outcome:

- Discussed and commented on treasury management activities undertaken during the year.
- Members raised questions on the reasons for additional borrowing, why there had been a decrease in investment and long-term borrowing, why gross borrowing was significantly higher than benchmarked authorities, the rationale for using surplus grant money when it needed to be repaid to the government, and why three loans were taken out in January and where the Council's investments are held.

Suspensions

The main role of the Audit and Standards Committee is in relation to scrutiny of the suspensions process.

During the year, the Committee has received a suspensions report.

Outcome:

- Discussed and provided comments on employees who were suspended pending an investigation into an allegation(s) of gross misconduct during the period 1 October 2021 to 30 September 2022 inclusive. Also, reviewed medical suspensions.
- Members suggested that information on key themes identified because of suspensions in any particular service area, and the learning and training provided, be included in future reports.

Special Review

The Committee considered a report of the Deputy Chief Executive on the findings of an internal audit report.

Outcome:

- The recommendations included in the report were agreed.
- The Committee requested further work be undertaken on the issues identified concerning compliance with formal processes, policies and the Constitution and that the following additional recommendations be made:
 - That the findings in relation to any individual or individuals be investigated under appropriate procedures to ascertain whether any further action is required and that this investigation include interviews with Members as appropriate.
 - That the Head of Procurement submit a report to the Committee by April 2023 concerning exceptions to contract standing orders.
 - That the appropriate Director review the current capacity within internal audit to determine whether this is sufficient.
- The Committee requested a further report be submitted to the Committee in due course to give an update on any actions required and/or any further processes or steps considered to be appropriate.

Meeting of the Council – 10th July, 2023

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

Constitution and Related Matters

Purpose of Report

1. To report on required amendments/updates to the [Council's Constitution](#) and several related matters.

Recommendations

2. That the updated Cabinet portfolios, as incorporated in Part 3 of the Constitution, be noted.
3. That the Overview and Scrutiny arrangements be submitted to the Council for approval following further consideration at the next meeting of the Overview and Scrutiny Committee.
4. That the Monitoring Officer undertake a review of Council Procedure Rule 11 (Questions by Members), following consultation with the Group Leaders, and recommendations be presented to the Council as part of the Annual Review of the Constitution.
5. That, in accordance with statutory requirements, the Council establish an Independent Remuneration Panel comprising the three Independent Persons, namely Revd Adam Hadley, Richard Phillips and William Read.
6. That the Cabinet be authorised to consider and determine any matters in connection with West Midlands Combined Authority Devolution Deals and that Part 3 of the Constitution be amended accordingly.
7. That the Council elect a Chair of the Adult Social Care Select Committee for the remainder of the 2023/24 municipal year and consider any other necessary or consequential appointments.

Background

8. At its Annual Meeting on 18th May, 2023, the Council reaffirmed the Constitution and Scheme of Delegation for the 2023/24 municipal year. Several issues have arisen since the Annual Meeting as referred to below.

Cabinet Portfolios

9. In reaffirming the Constitution and Scheme of Delegation for 2023/24, the Council also delegated powers to the Monitoring Officer to make any necessary and consequential amendments to the Constitution arising from decisions made by the Council and to reflect any ongoing restructuring activity, changes in legislative requirements, statutory provisions or associated regulations or guidance.
10. Under Article 7.06 of the Constitution, it is the responsibility of the Leader to maintain a list (in Part 3 of the Constitution) setting out which individual Cabinet Members, officers or joint arrangements are responsible for the exercise of executive functions. Changes to the designation of Cabinet Members were reported at the Annual Council meeting. In line with powers delegated to the Monitoring Officer, and following consultation with the Leader, the Cabinet portfolios have been updated to reflect the Cabinet Member designations for 2023/24. The updated portfolios are incorporated within Part 3 of the Constitution.

Overview and Scrutiny Arrangements 2023/24

11. At the Annual Meeting of the Council on 18th May, 2023, approval was given to the establishment of the Overview and Scrutiny Committee, together with the following Select Committees, for the 2023/24 municipal year.
 - Adult Social Care Select Committee
 - Children's Services Select Committee
 - Climate Change Select Committee
 - Corporate and Economic Strategy Select Committee
 - Highways and Environmental Services Select Committee
 - Housing and Safer Communities Select Committee
 - Public Health Select Committee

12. A report on consequential amendments to the Council's Overview and Scrutiny arrangements, as set out in Article 6 of the Constitution and the associated Overview and Scrutiny Procedure Rules, was submitted to the Overview and Scrutiny Committee on 12th June, 2023.
13. The Overview and Scrutiny Committee raised concerns, particularly regarding the proposed scrutiny 'call in' arrangements, whereby all 'called-in' decisions would be considered by the Overview and Scrutiny Committee rather than the Select Committee that 'called in' the decision. The Overview and Scrutiny Committee resolved that consideration of the proposals be deferred pending the submission of a further report to the Overview and Scrutiny Committee.
14. In line with this decision, a further report will be submitted to the next meeting of the Overview and Scrutiny Committee. Recommendations will then be submitted to the Council for determination as part of the Annual Review of the Constitution.

Council Procedure Rule 11 – Questions by Members

15. Council Procedure Rule 11 sets out the procedure relating to questions asked by Members at Full Council meetings. Informal discussions have taken place between Group Leaders concerning a possible revision of the existing process. This issue will be considered in more detail and proposals will be included in the Annual Review of the Constitution to be reported to the Council later in the year.

Independent Remuneration Panel

16. In line with Article 4.02 of the Constitution, it is a function of the Full Council to appoint an Independent Remuneration Panel in connection with the Members' Allowances Scheme. It is a legal requirement under the Local Authorities (Members' Allowances) (England) Regulations 2003 for the Council to have regard to the recommendations of an Independent Remuneration Panel before making or amending its Members' Allowances Scheme.
17. At the Annual Meeting of the Council on 18th May, 2023, the Council approved the appointment of Revd Adam Hadley, Richard Phillips and William Read as Independent Persons in connection with standards matters for the period ending with the annual meeting of the Council in May, 2027.

18. It is proposed that the three independent persons be appointed to form the Independent Remuneration Panel in connection with any future reviews of the Members' Allowances Scheme.

West Midlands Combined Authority Devolution Deals

19. On 9th June, 2023, the West Midlands Combined Authority Board considered a report on the [Deeper Devolution Deal – Statutory Processes](#)
20. The West Midlands Combined Authority (WMCA) Board noted plans for the ratification of the Deeper Devolution Deal at the programmed meeting of the WMCA Board on 13th October, 2023. Provision has been made, at the discretion of each constituent Council, for discussion and endorsement of the governance review and scheme by a deadline of 30th September, 2023.
21. The Council's Constitution does not make specific provision for the discussion and endorsement of West Midlands Combined Authority Devolution Deals. In the circumstances, and in view of the deadlines involved, it is considered appropriate that the function to determine any matters in connection with West Midlands Combined Authority Devolution Deals be delegated to the Cabinet.

Chair of the Adult Social Care Select Committee

22. At the Annual Meeting of the Council on 18th May, 2023, Councillor M Rogers was elected as the Chair of the Adult Social Care Select Committee for 2023/24.
23. On 21st June, 2023, in line with powers delegated to the Leader under Article 7 of the Constitution, Councillor M Rogers was appointed to serve as the Cabinet Member for Adult Social Care. In view of his appointment as a Cabinet Member, Councillor M Rogers immediately became ineligible to serve on any of the Council's Scrutiny or Select Committees.
24. The Council is therefore recommended to consider the election of the Chair of the Adult Social Care Scrutiny Committee, together with any other necessary changes, for the remainder of the 2023/24 municipal year.

25. The filling of any vacancies on Committees will be dealt with under the powers referred to in Article 4.02 of the Constitution. The Monitoring Officer is authorised to make any necessary changes to the composition of Committees that might arise from time to time in accordance with the requirements of the Leaders of political groups.

Finance

26. The financial implications arising from the adoption and maintenance of the Council's Constitution are met from within existing resources.

Law

27. Relevant statutory provisions regarding the Council's Constitution and the appointment of Committees are contained in the Local Government Acts 1972 and 2000, together with any Regulations, Orders and Statutory Guidance issued by the Secretary of State.
28. The appointment of an Independent Remuneration Panel in connection with the Members' Allowances Scheme is required under the Local Authorities (Members' Allowances) (England) Regulations 2003.

Risk Management

29. This report deals with the Council's Constitution and governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Council's Risk Management Framework.

Equality Impact

30. The Council's Constitution sets out the arrangements made by the Council for the proper discharge of all its powers, duties and functions, including those relating to equality and diversity and in respect of children and young people.

Human Resources/Organisational Development

31. There are no direct implications arising from this report.

Commercial/Procurement

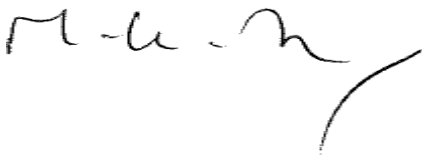
32. The Constitution includes the Council's Contract Standing Orders and Financial Regulations.

Environment/Climate Change

33. The Council's Constitution and governance arrangements provide for the assessment of the environmental impact of specific proposals and to address the impact on the Council's work to address Climate Change and achieve the Net Zero target.

Council Priorities and Projects

34. This report deals with the Council's Constitution, which underpins the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)