



Meeting of the Cabinet

Wednesday, 11th March, 2015 at 6.00pm

In Committee Room 2 at the Council House, Priory Road, Dudley

Agenda - Public Session

(Meeting open to the public and press)

1. Apologies for absence.
2. To report any changes in representation of opposition group members.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meetings on 11th and 25th February, 2015 as a correct record.

Budget, Strategic, Policy and Performance Issues

5. Capital Programme Monitoring (Key Decision).
6. Organisational Restructure (Key Decision).
7. Corporate Quarterly Performance Management Report.

Service Related Corporate Issues

8. Formal Adoption of the Contaminated Land Inspection Strategy and Cost Recovery Policy for Dudley Borough following Public Consultation. (Key Decision)
9. Approval for consultation of the draft revised Planning Obligations Supplementary Planning Document (Key Decision)
10. Draft Renewable Energy Supplementary Planning Document - Approval To Consult. (Key Decision)
11. Dudley Market

12. To consider any questions from Members to the Chair where two clear days notice has been given to the Director of Corporate Resources (Council Procedure Rule 11.8).
13. To report on any issues arising from Scrutiny Committees.



Strategic Director of Resources and Transformation

Dated: 3rd March, 2015

Distribution:

Members of the Cabinet:

Councillor P Lowe (Leader - Chair)

Councillor S Turner (Deputy Leader)

Councillors K Ahmed, H Bills, D Branwood, T Crumpton, J Foster, R Harris, G Partridge and D Sparks

Opposition Group Members nominated to attend meetings of the Cabinet:

Conservative Group:

Councillors P Harley, R James, L Jones, P Miller, and M Wood

UKIP Group:

Councillors P Brothwood and S Etheridge

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- Elected Members can submit apologies by contacting the officer named below. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- The Democratic Services contact officer for this meeting is Richard Sanders, Telephone 01384 815236 or E-mail richard.sanders@dudley.gov.uk

Minutes of the meeting of the Cabinet

Wednesday 11th February, 2015 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

Present:

Councillor S Turner (Deputy Leader - in the Chair)
Councillors K Ahmed, H Bills, D Branwood, T Crumpton, J Foster,
R Harris, G Partridge and D Sparks.

Opposition Group Members nominated to attend meetings of the Cabinet:-

Councillors P Harley, R James, L Jones, I Kettle and P Miller, (Conservative Group); Councillors P Bradley and P Brothwood (UKIP Group)

Officers:

S Norman (Chief Executive), J Millar (Strategic Director (Environment, Economy and Housing)), P Tart (Strategic Director (Resources and Transformation)), P Sharratt (Interim Director of Children's Services), D Harkins (Chief Officer (Health and Wellbeing)), I Newman (Chief Officer (Finance and Legal Services)), R Sims (Assistant Director of Housing Strategy and Private Sector) and S Griffiths (Democratic Services Manager).

Observers:

Councillors N Barlow, J Martin and N Neale.

Also in Attendance:-

S Joberns (Representing the External Auditors, Grant Thornton in relation to Minute No. 55 below)

51 **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors S Etheridge, P Lowe, D Vickers and M Wood.

52 **Changes in representation of Opposition Group Members**

Councillors P Bradley, L Jones and I Kettle were serving in place of Councillors S Etheridge, M Wood and D Vickers for this meeting of the Cabinet.

53 **Declarations of Interest**

No declarations of interest, in accordance with the Members' Code of Conduct, were made in respect of any matter to be considered at this meeting.

54 **Minutes**

Resolved

That the minutes of the meeting of the Cabinet held on 4th December, 2014 be approved as a correct record and signed.

55 **Annual Audit Letter 2013/14**

A joint report of the Chief Executive and the Chief Officer (Finance and Legal Services) was submitted on the External Auditor's Annual Audit Letter for 2013/14.

Resolved

That the External Auditor's Annual Audit Letter for 2013/14 together with the views of the Auditor, be noted.

56 **Deployment of Resources: Housing Revenue Account and Public Sector Housing Capital**

A joint report of the Strategic Director (Environment, Economy and Housing) and the Chief Officer (Finance and Legal Services) was submitted on the proposals for the deployment of the Housing Revenue Account (HRA) and associated matters for 2015/16.

Resolved

- (1) That rents for Housing Revenue Account dwellings be maintained at current levels from 6th April 2015, as outlined in paragraph 3 of the report submitted.
- (2) That an increase of 1.2% in service charges, as outlined in paragraphs 5 and 7 of the report submitted, be approved.
- (3) That an increase of 1.2% in heating and lighting charges for sheltered housing from an average weekly charge of £14.43 to an average weekly charge of £14.60, as outlined in paragraph 6 of the report submitted, be approved.

- (4) That an increase from £2.20 to £2.30 for laundry tokens, as outlined in paragraph 8 of the report submitted, be approved.
- (5) That the current charge for pitch licences at Oak Lane be maintained, as outlined in paragraph 9 of the report submitted.
- (6) That an increase of 1.2% in water charges at Oak Lane to £6.25 per week, as outlined in paragraph 9 of the report submitted, be approved.
- (7) That the leaseholder's administration fee and the charge for the leasehold information pack be maintained at current levels, as outlined in paragraphs 10 and 11 of the report submitted.
- (8) That an increase of 1.2% (10p per month) for private Telecare clients, as outlined in paragraph 12 of the report submitted, be approved.
- (9) That the Council be recommended:-
 - (a) To approve the revised Housing Revenue Account budget for 2014/15 and the Housing Revenue Account budget for 2015/16, as outlined in Appendix 1 to the report.
 - (b) To approve the public sector housing revised capital budget for 2014/15 and the capital budget for 2015/16 to 2019/20 attached as Appendix 2 to the report.
 - (c) To authorise the Strategic Director (Environment, Economy and Housing) and the Strategic Director (Resources and Transformation) to bid for and enter into funding arrangements for additional resources to supplement investment in the public sector housing stock, as outlined in paragraphs 23 and 24 of the report submitted, and that expenditure funded from such resources be added to the Capital Programme.
 - (d) To authorise the Strategic Director (Environment, Economy and Housing), in consultation with the Cabinet Member for Housing and Community Safety, to manage and allocate resources to the Capital Programme, as outlined in paragraph 25 of the report submitted.
 - (e) To confirm that all capital receipts arising from the sale of Housing Revenue Account assets, other than those specifically committed to support private sector housing, should continue to be used for the improvement of council homes.

- (f) To authorise the Strategic Director (Environment, Economy and Housing) to procure and enter into contracts for the delivery of the capital programme, as outlined in paragraph 26 of the report submitted.
 - (g) To receive the Housing Revenue Account medium term financial strategy and thirty year business plan, attached as Appendix 4 to the report submitted.
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Capital Programme Monitoring

A joint report of the Chief Executive and the Chief Officer (Finance and Legal Services) was submitted on the progress of the Capital Programme and a number of proposed amendments. The report also set out the proposed 'Prudential Indicators' as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003 and to sought approval of the proposed Council's Minimum Revenue Provision (MRP) Policy for 2015/16.

During the discussion and questions on this report, it was agreed that written responses would be provided to Councillor P Harley concerning funding allocations for highway maintenance and to Councillor I Kettle concerning the number and location of bore holes referred to in relation to the Energy Efficiency item in the report.

The Cabinet Member for Environment and Culture responded to a question concerning the cost of the new paths at Homer Hill Park. She also noted comments made by Councillor P Miller regarding safety concerns associated with the item on Wordsley Park Garage.

Resolved

- (1) That the result of the Post Completion Review of relevant capital projects, as outlined in Appendix C of the report submitted, be noted.
- (2) That the Council be recommended:-
 - (a) To note the current progress with the 2014/15 Capital Programme, as set out in Appendix A to the report, and that budgets be amended to reflect the reported variances.
 - (b) To note the grant funding for a toucan crossing in Colley Gate, Halesowen and that the project be included in the Capital Programme, as set out in paragraph 7 of the report submitted.

- (c) To approve the Wordsley Park Garage project and include it in the Capital Programme, as set out in paragraph 8 of the report submitted.
- (d) To approve the CCTV project at Blowers Green and Lister Road depots and include it in the Capital Programme, as set out in paragraph 9 of the report submitted.
- (e) That the Highways Maintenance Block allocations 2015/16 – 2017/18 be included in the Capital Programme, as set out in paragraph 10 of the report submitted.
- (f) To note the funding to install a new kitchen at Netherton Church of England Primary School and that the project be included in the Capital Programme, as set out in paragraph 11 of the report submitted.
- (g) To approve the initial Energy Efficiency projects and their inclusion in the Capital Programme and that the Strategic Director (Resources and Transformation) be authorised to include further projects subject to establishing value for money and the availability of funding, as set out in paragraph 12 of the report submitted.
- (h) To note the urgent amendments to the Capital Programme, as set out paragraphs 13 and 14 of the report submitted.
- (i) To agree the Prudential Indicators as required to be determined by the CIPFA Prudential Code for Capital Finance in Local Authorities and the Local Government Act 2003, as set out in Appendix D of the report submitted.
- (j) To approve the Minimum Revenue Provision (MRP) Policy as set out in paragraph 19 of the report submitted.

Question under Council Procedure Rule 11.8

Pursuant to Council Procedure Rule 11.8 a question was asked by Councillor P Brothwood and responded to as follows:-

Question

Following the recent press coverage about Brierley Hill Civic centre being handed over to a voluntary group, can the Council confirm how much income the Council will expect to lose over the next five years as a result of this handover? In addition has a full cost analysis been conducted and if so can the public see the results?

Response

The first point to make is that Brierley Hill Civic Hall has not been 'handed over' to a voluntary group. The Council has entered into a partnership arrangement with Dudley Council for Voluntary Services (DCVS) who will for a trial period of 18 months act as interim managers of the site with the main target being to increase both usage and income at the site.

This arrangement is in keeping with the Council's 'Asset Transfer Policy' and the Council's wider ambition to be a 'Community Council', and the 'trial' nature of this arrangement will be used to inform other asset transfer projects that may come along in the future.

The nature of the agreement with DCVS is that no income will be lost to the Council given that DCVS will act as the Council's 'proxy managers' for the venue and the budget remains the Council's, the same as would be the case if the Council continued to directly manage the venue itself, even to the extent of the existing staff remaining as Council employees.

The 18 month trial is seen as a possible pre-cursor to a more formal asset transfer opportunity in the future but that will be dependent on how successful DCVS are in terms of developing usage and income streams at the hall.

Given that this is an interim trial and the timescale is relatively short ie. 18 months, it was considered that there was no need for a full cost analysis to be produced, in lieu of the fact that the venue's budget remains intact during this period.

Some initial feasibility work was previously undertaken utilising consultants jointly engaged by the Council and DCVS, to assess the merits of a possible Asset Transfer of the venue. One of the main recommendations emanating from that study being that a trial project of the type proposed should be undertaken to test the theory and inform future decisions.

The Cabinet was informed of the decision of the Overview and Scrutiny Management Board at its meeting on 10th December, 2014 concerning the ongoing parking and transport issues concerning Russells Hall Hospital and surrounding areas.

The Overview and Scrutiny Management Board had recommended the Cabinet support proposals being developed by the Dudley Group of Hospitals Trust to develop additional staff car parking facilities on land adjacent to Russells Hall Hospital to benefit all users of the hospital and the wider community.

The Cabinet noted the recommendation for onward reference to the relevant Cabinet Members. Whilst the terms of the resolution were accepted in principle, it was noted that any future proposals would be the subject of appropriate environmental impact assessments and all necessary planning application procedures.

The meeting ended at 6.25 p.m.

LEADER OF THE COUNCIL

Minutes of the meeting of the Cabinet

Wednesday 25th February, 2015 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

Present:

Councillor P Lowe (Leader – Chair)
Councillor S Turner (Deputy Leader)
Councillors K Ahmed, H Bills, D Branwood, T Crumpton, J Foster,
R Harris and G Partridge.

Opposition Group Members nominated to attend meetings of the Cabinet:-

Councillors P Harley, R James, L Jones, P Miller and M Wood (Conservative Group); Councillors P Brothwood and S Etheridge (UKIP Group)

Officers:

S Norman (Chief Executive), J Millar (Strategic Director (Environment, Economy and Housing)), P Tart (Strategic Director (Resources and Transformation)), D Harkins (Chief Officer (Health and Wellbeing)), I Newman (Chief Officer (Finance and Legal Services)), M Bowsher (Chief Officer (Adult Social Care)) and S Griffiths (Democratic Services Manager) together with other officers.

Observers:

Councillors N Barlow, A Goddard, I Kettle, N Neale, K Turner and D Vickers

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Apology for Absence

An apology for absence from the meeting was received on behalf of Councillor D Sparks.

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Declarations of Interest

No declarations of interest, in accordance with the Members' Code of Conduct, were made in respect of any matter to be considered at this meeting.

Revenue Budget Strategy and Setting the Council Tax 2015/16

A joint report of the Chief Executive and the Chief Officer (Finance and Legal Services) was submitted on the deployment of General Fund revenue resources, a number of statutory calculations that had to be made by the Council and the Council Tax to be levied for the period from 1st April, 2015 to 31st March, 2016.

During the discussion on this item, Cabinet Members responded to specific questions and issues raised by Opposition Spokespersons concerning the budget proposals. The points made were noted and requests for further information would be dealt with as necessary. The report and recommendations would be submitted to the Council on 2nd March, 2015.

Resolved

- (1) That the Council be recommended to approve:-
- (a) The budget for 2015/16, and service allocations (including the Public Health budget) as set out in the report.
 - (b) That the statutory amounts required to be calculated for the Council's spending, contingencies and contributions to reserves; income and use of reserves; transfers to and from its collection fund; and council tax requirement, as referred to in Section 67(2)(b) be now calculated by the Council for the year 2015/16 in accordance with Sections 31A, 31B and 34 to 36 of the Local Government and Finance Act 1992 as shown in Appendix 10 of the report.
 - (c) That, having calculated the aggregate in each case of the amounts in Appendix 10, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, agrees the following levels of Council Tax for Dudley Council services for 2015/16:

Valuation Bands

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
£857.89	£1000.88	£1143.85	£1286.84
<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
£1572.80	£1858.77	£2144.73	£2573.68

- (d) The revision of 2014/15 budgets to reflect the variances set out in paragraphs 9 and 11 of the report.

- (e) The Medium Term Financial Strategy as set out in the report.
- (2) That the Council be recommended to determine that a referendum relating to Council Tax increases is not required in accordance with Chapter 4ZA of Part 1 of the Local Government Finance Act 1992.
- (3) That Cabinet Members, the Chief Executive and Directors be authorised to take all necessary steps to implement the proposals contained in the report, in accordance with the Council's Financial Management Regime.
- (4) That the Chief Executive and Directors be reminded to exercise strict budgetary control in accordance with the Financial Management Regime and care and caution in managing the 2015/16 budget, particularly in the context of commitments into later years and the impact that any overspending in 2015/16 will have on the availability of resources to meet future budgetary demands.
- (5) That the Chief Officer (Finance and Legal Services) be authorised to approve the realignment of budgets in due course to reflect the new Directorate structure, including the allocation of the £1m savings from the review of senior management.
- (6) That consultation on proposals to remove local authority transport provision for children attending specialist nurseries be extended and that further work be undertaken with parents to identify ways to deliver the planned saving whilst mitigating the impact on children and their families.
- (7) That the creation of Budget Challenge Teams be approved, as set out in paragraph 55 of the report.
- (8) That the Council be recommended to approve the Pay Policy Statement 2015 as set out in Appendix 12 to the report.

(This was a Key Decision with the Council and Cabinet being named as Decision Takers).

The meeting ended at 6.45p.m.

LEADER OF THE COUNCIL

Meeting Of the Cabinet – 11th March 2015

Joint Report of the Chief Executive and Chief Officer, Finance and Legal Services

Capital Programme Monitoring

Purpose of Report

1. To report progress with the implementation of the Capital Programme.
2. To propose amendments to the Capital Programme.

Background

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

	2014/15	2015/16	2016/17
	£'000	£'000	£'000
Public Sector Housing	43,284	46,439	48,805
Other Adult, Community & Housing	5,900	4,901	550
Urban Environment	25,932	24,990	8,656
Children's Services	12,846	15,061	161
Corporate Resources	2,677	1,554	1,266
Total spend	90,639	92,945	59,438
Revenue	16,428	10,985	11,390
Major Repairs Reserve (Housing)	22,319	22,457	22,744
Capital receipts	13,622	20,788	16,339
Grants and contributions (inc. Lottery)	24,455	16,394	2,877
Capital Financing Requirement*	13,815	22,321	6,088
Total funding	90,639	92,945	59,438

*This will be funded internally from the Council's cashflow resources as far as possible, rather than from external debt.

Note that the capital programme for future years is in particular subject to government grant allocations, some of which have not yet been announced.

4. In accordance with the requirements of the Council's Financial Regulations, details of progress with the 2014/15 Programme are given in Appendix A. It is proposed that the current position be noted. An update on progress with the Council's most significant capital schemes is shown in Appendix B.

Urban Environment

Integrated Transport Funding 2015/16

5. The West Midlands Integrated Transport Authority has recently approved the allocation of the above to individual authorities, Dudley's share of which is £1,490,000. The distribution between specific programmes will be determined in due course in accordance with agreed procedures in consultation with the Cabinet Member for Transportation.

It is proposed that the allocation be noted and the associated expenditure included in the Capital Programme.

Stourbridge Crematorium

6. The cremators at the above require full relining at an estimated cost of £65,000 which can be funded initially from prudential borrowing, to be repaid from revenue resources. It is proposed that the works be approved and included in the Capital Programme.

Children's Services

Schools Capital Allocations – School Condition Allocations 2015/16

7. The Council has been notified of its Schools Condition Allocation (previously Capital Maintenance) for 2015/16 of £3,956,000. The funding is based on condition data collected by the DfE via the Property Data Survey. This will be allocated on the basis of priorities determined through asset management data including health and safety issues, building condition surveys and access needs.

It is proposed that this allocation be noted and the associated expenditure included in the Capital Programme.

Schools Capital Allocations – Devolved Capital 2015/16

8. The Council has been notified of its Devolved Capital allocation for 2015/16 of £760,000. This will be allocated to schools based on a DfE formula. Schools will be expected to determine capital projects in accordance with priorities set out in their schools' asset management plans and in conjunction with the Buildings & Estates Team.

It is proposed that this allocation be noted and the associated expenditure included in the Capital Programme.

Schools Capital Allocations – Basic Need 2015/16 – 2017/18

9. The Council has been notified of top-ups to its Basic Need allocations for 2015/16 and 2016/17 of £1,576,000 and £3,359,000 respectively, and a new allocation for 2017/18 of £3,748,000. This funding is to support the provision of new pupils places in the Borough and will be allocated to specific projects in due course.

It is proposed that these allocations be noted and the associated expenditure included in the Capital Programme.

Priority Schools Building Programme Phase 2

10. The Council has been notified that bids for the Priority Schools Building Programme phase 2 in respect of Huntingtree Primary School and Ridgewood High School (due for Academy conversion March 2015) have been successful. Detailed allocations, scope of work and procurement processes for the buildings projects are not known at the stage.

It is proposed that the funding be noted, and that subject to confirmation of detailed allocations the relevant associated expenditure be included in the Capital Programme.

Finance

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

Law

12. 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.

Equality Impact

13. These proposals comply with the Council's policy on Equality and Diversity.
14. With regard to Children and Young People:
- The Capital Programme for Children's Services 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.

Recommendations

15. That the Council be recommended:
- That current progress with the 2014/15 Capital Programme, as set out in Appendix A be noted.
 - That the Integrated Transport funding allocation be noted, and the associated expenditure included in the Capital Programme, as set out in paragraph 5.
 - That the project to reline the cremators at Stourbridge Crematorium be approved and included in the Capital Programme, as set out in paragraph 6.
 - That the Schools Condition allocation for 2015/16 be noted and the associated expenditure included in the Capital Programme, as set out in paragraph 7.

- That the Schools Devolved Capital allocation for 2015/16 be noted and the associated expenditure included in the Capital Programme, as set out in paragraph 8.
- That the Schools Basic Need allocations for 2015/16 – 2017/18 be noted and the associated expenditure included in the Capital Programme, as set out in paragraph 9.
- That the Priority Schools Building Programme Phase 2 funding be noted and that subject to confirmation of detailed allocations the relevant associated expenditure be included in the Capital Programme, as set out in paragraph 10.



Sarah Norman
Chief Executive



Iain Newman
Chief Officer, Finance and Legal Services

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List of Background Papers

Relevant resource allocation notifications.

2014/15 Capital Programme Progress to Date

Service	Budget £'000	Spend to 31st Jan £'000	Forecast £'000	Variance £'000	Comments
Public Sector Housing	43,284	34,265	43,284	0	
Other Adult, Community & Housing	5,900	4,321	5,900	0	
Urban Environment	25,932	17,209	25,932	0	
Children's Services	12,846	8,802	12,846	0	
Corporate Resources	2,677	2,079	2,677	0	
TOTAL	90,639	66,676	90,639	0	

Progress with Major Capital Schemes

Adult, Community and Housing

New Council Housing

A contract has been awarded and work has now commenced on site at Norfolk Road in Wollaston, The Walk in Sedgley, the conversion of the former Wren's Nest Estate Office and two apartments at Holloway Chambers in Dudley.

The conversion of the former care home at Arcal Lodge, Sedgley is out to tender. Conversion of the former Archives building at Roseville is due to be submitted to planning late January / early February, and a local consultation event is planned for early February with works planned to commence summer 2015.

A number of smaller housing infill and garage sites across the borough are also being progressed through feasibility stage and site investigations; ecological and topographical reports are being prepared for the schemes currently in design stage.

Urban Environment

Street Lighting

The Street Lighting Central Management System (CMS) was fully commissioned and operational in April 2013 and conversion of the street lighting stock continues. As at 27th February 2015, 21,100 of the Council's 32,000 street lights can now be controlled via the CMS system remotely to help save energy; 14,500 of these can be dimmed. Spend is forecast to be within budget and completion of the scheme is expected during financial year 2015/16.

Better Bus Area

The scheme which involves the construction of a new signal controlled pedestrian crossing on the A4036 Pedmore Road, and the creation of additional road space and signal controls to facilitate bus priority measures at the junction of the Boulevard with Mill St, Brierley Hill was granted planning permission in March 2014. The Pedmore Road pedestrian crossing was completed in December 2014 and the Boulevard bus priority element was substantially complete in January 2015. Spend is forecast to be within budget.

Mary Stevens Park

The first two contracts for the Gates restoration and the cafe building have now been awarded, work due to start mid March. The third contract which covers the landscape works and pool dredging will be let later on this year. A 6 monthly events programme has been developed and will be promoted through the "Let's Get" campaign literature. Volunteer recruitment is well underway. Spend is forecast to be within budget.

Castle Hill

New Access Road: Phase 1a was completed during October 2012. Phase 1b (link road and roundabout) was completed April 2013.

Phase 2 onwards: This comprises the secondary route, recreational route, car parking and Visitor Hub.

Planning permission was granted on 12th March 2013. Work commenced onsite for the initial phase of the secondary route on 23rd September 2013 and was completed February 2014. Work commenced on the lower level car parks on 4th December 2013, and completed March 2014. Work to upper level car park commenced April 2014, and was completed July 2014.

Three phases of landscape works have been completed to construct footpath links, planting to the car parks and the creation of the overflow car park. The contract for the Recreational route linking the Black Country Living Museum and the Dudley Canal Trust started in October 2014 and completed in March 2015. The work to create the new entrance into the Zoo is commenced in November 2014 for completion in April 2015. The new visitor hub building also commenced in November for completion in April 2015

Spend is forecast to be within budget.

Dudley Marketplace and Town Centre

The first phase of the overall Dudley Market Place Public Realm scheme, which is Castle Street/New Street, is substantially complete and was opened to full access on 10th August. The Earl of Dudley Statue work is still outstanding and will be progressed when we have reviewed the detailed costs shortly to be returned from the contractor. The Market Place (second phase) has now started and the market stalls were occupied by the market traders in early March. The project is due to complete on programme. Spend is forecast to be within budget.

Coronation Gardens

Detailed design has been completed and costs supplied by the contractor are currently being reviewed to ensure that spend is within budget. The scheme is due to be on site between April and September.

Children's Services

DGfL3

Dudley Grid for Learning (DGfL3) includes a programme of ICT equipment upgrade and renewal across financial years 2013/14 & 2014/15. The Refresh of ICT infrastructure and classroom equipment has now been completed across the school estate with the exception of two schools; these schools have chosen to take their refresh at a later stage. The programme of associated expenditure is on schedule to be completed in 2014/15 with the exception of the two schools.

Post 16 Facility for Pens Meadow School

The programme for design and procurement of the project is on track and the projected capital spend is in line with Education Funding Agency requirements.

Schools Basic Need projects

The first phase of projects funded from Basic Need capital grant are progressing well. Projects at the Brook and Woodside Primary Schools were completed during the summer with both schools now being able to admit up to 60 children in each year group. Projects at Kates Hill and Gig Mill are on site and are due to be completed by Easter 2015. The project at Sledmere Primary is on site and is on target to be completed during August 2015.

Cabinet - 11th March 2015

Report of the Chief Executive

Organisational restructure

Purpose of Report

1. As part of the ongoing organisational restructure, to approve the proposed organisational structure including 3rd, 4th and 5th tier posts for formal consultation
2. To update cabinet on appointment of Strategic Directors and Chief Officers

Background

3. The key aims of this phase of the restructure are to:
 - Complete the delivery of at least £1m savings in senior management through a lean & delayed structure which will support the Strategic Directors and 3rd Chief Officers in terms of both capacity and skills needed
 - Encourage a 'One Council', 'can do' culture and ensure a responsive a community council focus
 - Break down any silos between services and exploit the synergies between services
 - Improve the customer experience with joined up services, so that no door is the wrong door & customers tell their story once
 - Devolve decision making to empower staff within a clear accountability and performance management framework
4. The key headlines for this phase of the restructure include:
 - Post 16 skills agenda and Adult/Community Learning placed with regeneration to ensure alignment with future job opportunities and Combined Authority work
 - Head of Housing Maintenance reporting to Chief Officer Environmental Services - joining up working between the 3 DLOs
 - Community Safety reporting to Head of Housing Estate & Tenancy Management - joining up working with antisocial behaviour

- Head of Whole Life Disability to bring together services for both children and adults with disabilities,
 - Integrated Commissioning, Performance & intelligence s function within the People Directorate
 - One Chief Social Worker for both Children & Adults staff professional development and Directorate specific Learning & Development
 - The Chief Officer for Children's Services post, given the challenges faced in recent recruitment, has been recast to focus on children's social care and early intervention, to provide professional strong operational and strategic leadership
 - A Lead for Education Outcomes post is proposed to focus on providing challenge and support to schools to raise standards. This post will be developed in conjunction with the Schools Forum and will report direct to the Strategic Director
 - Equalities & Community Development brought together under Chief Officer Health & Wellbeing, giving a new focus to equalities and capacity to develop Community Council
 - As recognised in the report to Cabinet on 4th December 2014 there are a number of temporary posts in this proposed structure, to deal with embedding the structure and specific project such as very light rail and options appraisal projects for Leisure Centres, Archives, Halls and Libraries. These are time limited projects and whoever is appointed to them will be made redundant at the conclusion of the project, unless redeployment is achieved.
 - Work is ongoing to reduce the PA support and to create pooled arrangements, this should be completed by mid march for PAs to senior managers and by end of July for shared PAs to Heads of Service.
 - Environment, economy and Housing will now be called Place and the post of strategic Director, Place is to be advertised, following the withdrawal of acceptance of the post due to the increasing emphasis on regeneration and combined authority work
5. The proposed organisational structure charts for the 3 directorates are attached at appendix 1.
6. The Appointments committee on 12th February 2015 unanimously agreed to the appointment of an external Interim appointment for the refocused Children's Services Chief Officer post whilst the post is readvertised. The post had been advertised from 11/11/14 until the 14/01/15, with a salary of £89,000. Alongside advertisements in wmjobs.co.uk, MJ and Guardian, Veredus were appointed to undertake an extensive search for candidates on behalf of the Council. However, although 10 applications for the posts were received, only 5 of these appeared to meet the essential criteria and were longlisted for technical interview and none of these candidates were able to demonstrate sufficient skills and experience to be recommended for consideration by the appointments panel.

7. A report on the outcome of the formal consultation which will run from 12th March to 1st May 2015, will come back to Cabinet on 25th June 2015. Once approval is given for implementation, staff affected will formally be put at risk of redundancy and anyone that is displaced and does not achieve redeployment will leave the Council's employment on 31st December 2015
8. Cabinet have previously agreed that 4th tier or non Chief Officer 3rd tier posts would be evaluated using the LGE Job evaluation scheme where they scored at the top of our NJC Scheme. Our current Head of Service grade finishes at grade 15 (£53,382 to £59,170) and is for posts scoring 740+ points in the current NJC job evaluation scheme used by the Council. As previously approved by Cabinet, posts reaching this threshold have been externally evaluated using the LGE scheme. It is recommended that the Council introduces a Grade 16 for posts scoring 740+ in the NJC scheme and between 841 and 930 in the LGE scheme. Also a grade 17 for posts scoring 740+ in the NJC scheme and between 931 and 1219 in the LGE scheme. Both grades would have a 4 point range, which is consistent with grades up to 15.
9. There has been 50% reduction in senior management, going from 22 to 11 e.g. 3 Strategic Directors and 11 Chief Officers. Two posts are currently being recruited through external advert; appointments have been made to the other 9 posts.

Finance

10. The Senior Management Structure approved for implementation by Cabinet and Council in October aimed to realise ongoing savings in the region of £1 million. It was also based on there being a fixed financial envelope for the fourth tier of the structure. The proposals in this report are affordable within that financial envelope.
11. The precise impact on the Medium Term Financial Strategy will be calculated when the proposals have been finalised. Following consultation any costs arising from transition to the new structure will have to be met from within directorate budgets as approved by Council on the 2nd March 2015.
12. Redundancy costs are dependent on the age and length of service of the individuals being made redundant and therefore cannot be precisely calculated at this stage. These are one-off costs that will be met, as with all redundancies, from provision within the Medium Term Financial Strategy.

13. The likely additional costs of filling the Children's services role with an external Interim for 6 to 9 months will be between £45,000 and £65,000. However the costs of not filling this critical role with an effective candidate are also high. The average cost of each additional child taken into care in Dudley is around £40,000 / year, while an inadequate judgement from an Ofsted Inspection can result in recommendations many millions to implement. As with other transitional costs, this will have to be met from within the budget of the Directorate of People.
14. External benchmarking of salaries conducted by West Midlands Employers as part of the senior officer review identified a salary range of £73,000 to £107,286 for 3rd tier posts (reporting to a Strategic Director) in Councils with a People, Place, Resources model. A temporary market forces supplement in accordance with the councils pay policy may be applicable to the posts currently being externally advertised of Strategic Director Place and Chief Officer Children's services. The proposed salary range for grade 16 is £61,086 - £65,000 and for grade 17 £66,916 - £70,000

Law

15. Section 111 of the Local Government Act 1972 enables the Council to do anything that is calculated to facilitate or is conducive or incidental to this discharge of its various functions. The Council's senior management and organisational restructure is being undertaken within the Council's policies and legislative framework
16. Pursuant to the Localism Act 2011 the Council has the general power of competence to do anything individuals may do

Equality Impact

17. An Equality Impact Assessment was attached to the Cabinet report relating to the review of senior management in July and October 2014. The recruitment of the Children's Service Chief Officer and any temporary arrangements have a direct impact on children and young people in the borough as does the appointment to the 3rd tier lead for Education outcomes. An updated equality Impact Assessment has been completed at this stage but will need further updating following the close of the formal consultation on the proposals and will be attached to the June 2015 Cabinet Report.

Recommendations

18. It is recommended that:-

- Cabinet agree the proposed structure to commence formal consultation with affected staff;
- Approve redundancies for the interim / temporary posts, where no redeployment is achieved
- Approve the introduction of two new grades for Heads of Service where externally evaluated using the LGE Job evaluation schemes
- Note the update on Strategic Director and Chief Officer appointments.



.....
CHIEF EXECUTIVE

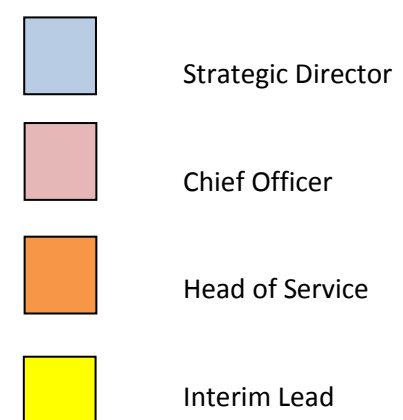
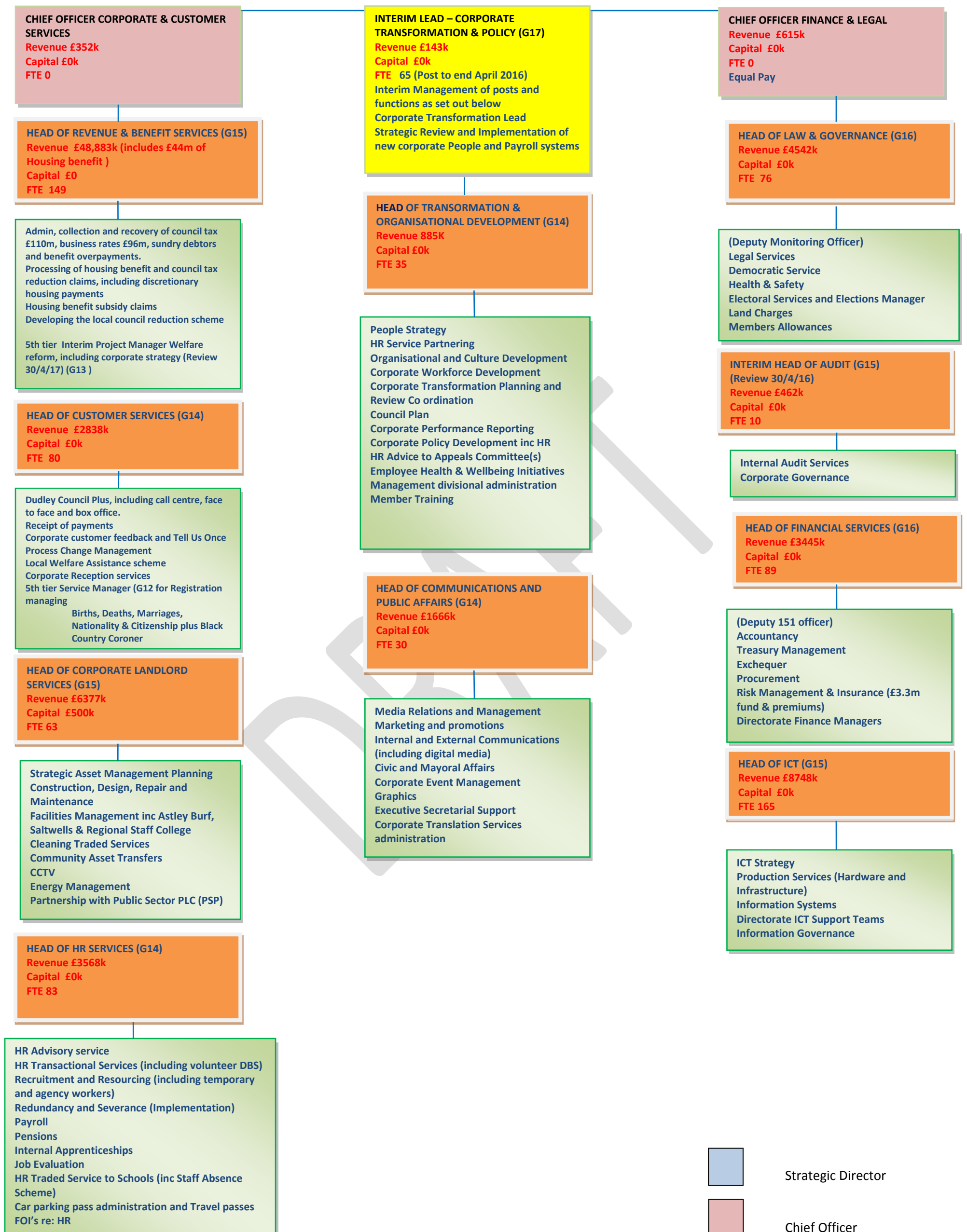
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Background Papers
3/7/14 Cabinet Report
1/10/14 Cabinet Report
4/12/14 Cabinet Report
12/2/15 Appointments Committee Report

STRATEGIC DIRECTOR – RESOURCES & TRANSFORMATION

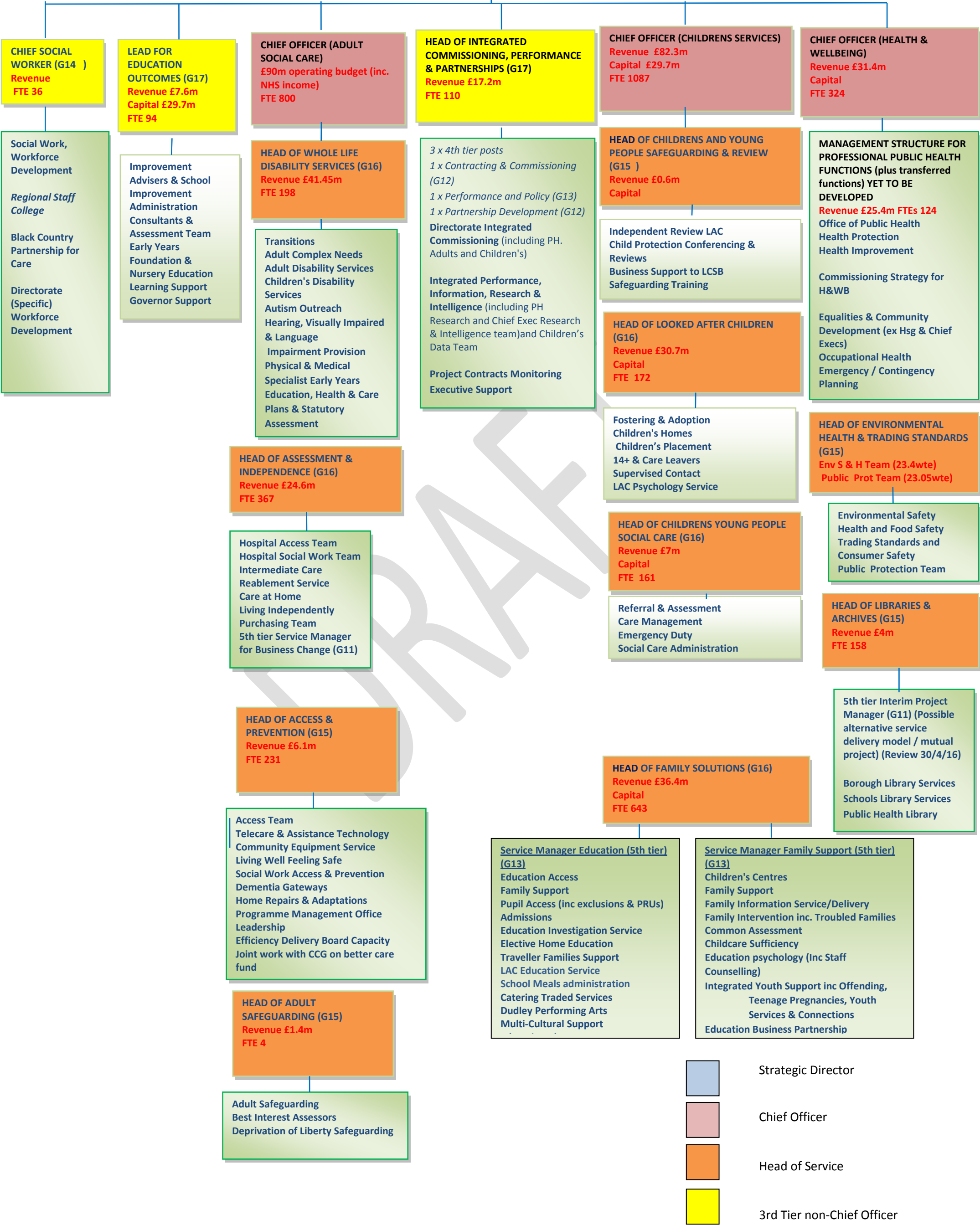
Gross Revenue
FTE's

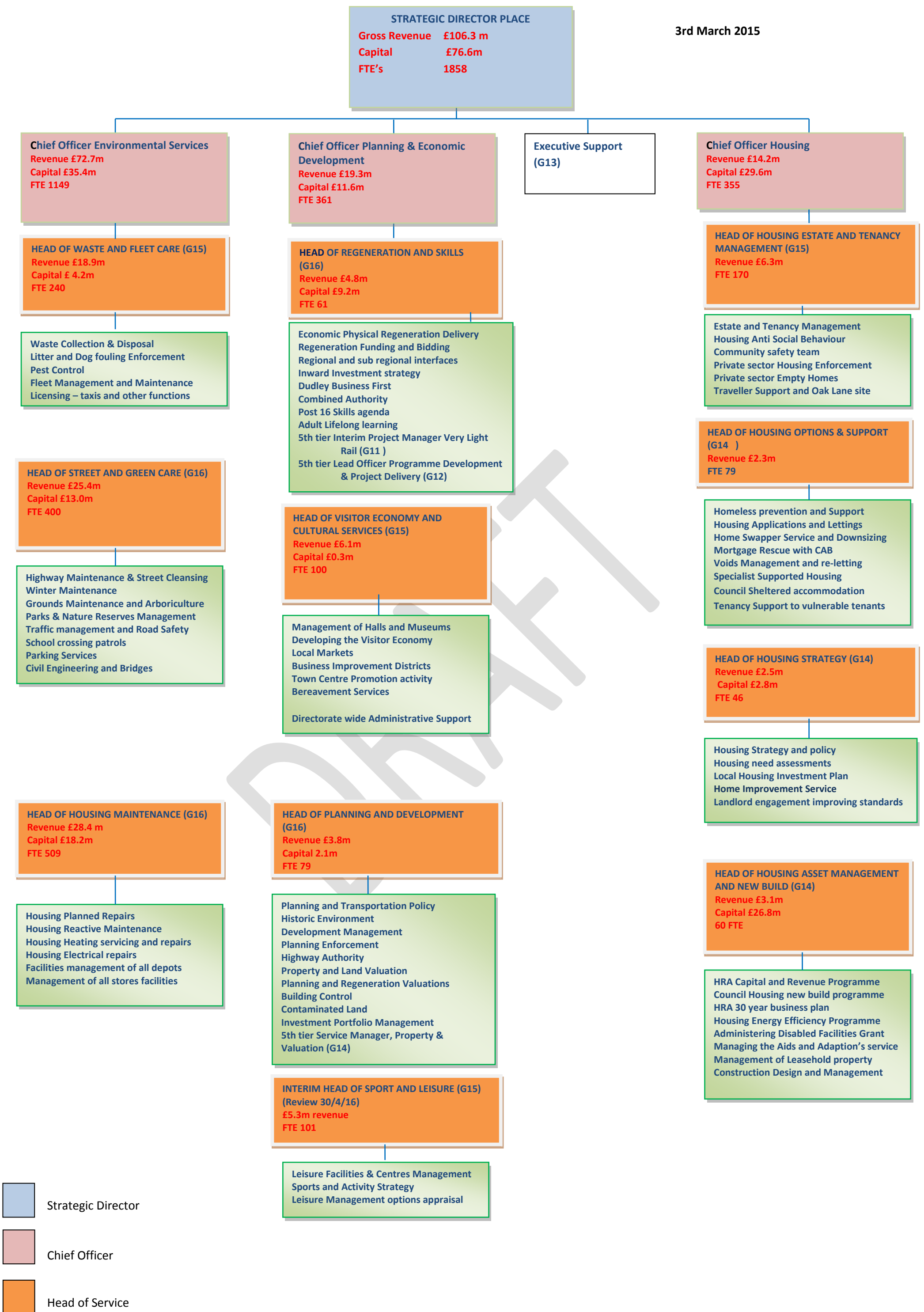
3rd March 2015



STRATEGIC DIRECTOR PEOPLE
Gross Revenue £221m
Capital £29.7m
FTE's 2327

3rd March 2015





Meeting of the Cabinet – 11th March, 2015

Report of the Chief Executive

Corporate Quarterly Performance Management Report

Purpose

1. To present the third Corporate Quarterly Performance Management Report for 2014/15, containing specific performance information for the period 1st October to 31st December, 2014.

Background

2. The overriding purpose of the Corporate Quarterly Performance Management Report is to provide a regular update on the management of services and performance levels being achieved within the Council, across the seven Council Plan thematic priorities. Prior to submission to Cabinet the report is scrutinised by the Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee.
3. The report contains the following sections:

Section 1: a brief introduction.

Section 2: a performance summary of key performance indicators.

Section 3: more detailed progress on the key performance indicators and key actions identified to determine our delivery of the Council Plan priorities.

Section 4: current sickness absence information for 1st April to 30th September 2014.

Section 5 quarter 2 Benchmarking initiative in association with the Local Government Association.

Section 6: corporate risk status

4. A full copy of the Corporate Quarterly Performance Management report is available in the Members Room and on the Internet via the Committee Management Information System. A paper copy can be sent to any Member of the Council on request.

Finance

5. There are no direct financial implications in receiving this report.

Law

6. The Council may do anything which is incidental to conducive to or which facilitates the discharge of its functions under Section 111 of the Local Government Act, 1972.

Equality Impact

7. There are no special considerations to be made with regard to equality and diversity in noting and receiving this report. The Corporate Quarterly Performance Management Report includes details of the performance of the Council Plan strategic objectives and priorities for children and young people.

Recommendation

8. That the Cabinet consider and comment on the Corporate Quarterly Performance Management report.



Sarah Norman
Chief Executive

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Background Documents

Corporate Quarterly Performance Management Report (Q3)

Meeting of the Cabinet – 11th March 2015

Report of the Acting Strategic Director of Environment, Economy & Housing

Formal Adoption of the Contaminated Land Inspection Strategy and Cost Recovery Policy for Dudley Borough following Public Consultation.

Purpose of Report

1. To seek Cabinet approval for the adoption of the Contaminated Land Inspection Strategy and the associated Cost Recovery Policy documents following a Public Consultation exercise between 12th December 2014 and 16th January 2015.

Background

2. Following the introduction of the Environmental Protection Act 1990, and specifically Part 2A which deals with Contaminated Land, a Statutory Duty was placed on all Local Authorities to prepare and adopt an Inspection Strategy to identify, categorise and deal with as appropriate any land within their Borough that fell within the specific definition of Contaminated Land as set out in the Act. Dudley's initial inspection strategy was prepared and adopted in June 2001, following approval by Corporate Board and the Environmental Health Committee.
3. New legislative guidance was issued in April 2012 which required the preparation of a revised Inspection Strategy to take account of these changes. **The Contaminated Land Inspection Strategy is the framework whereby the Council sets out its methodology for the inspection of the Borough to determine what, if any, contamination may be present, how individual sites may be prioritised for further investigation and what options are available for remediation.** The document is written from the basis of the Council as a Regulator, implementing the requirements of the Act. Consequently this focuses investigation and any subsequent action on those sites that potentially pose a significant risk.
4. Currently most land is remediated by the Private Sector through regeneration and development, with the latest figures for the year 2013/2014 showing that 98% of new build dwellings were on Brownfield sites. The Council Contaminated Land Team acts as a key Consultee to this at both Pre-Application stage and during the formal Planning and Building Control processes to advise on the existing conditions to applicants, customers and Officers, and to assist with verification of on-site measures. Additionally the team provide specialist advice and guidance to the Council and public on issues generally related to contaminated land.

5. Works that have been undertaken to date have not identified any land that has been formally classified as “Contaminated Land” under the strict definition within the Act. These documents will provide the future framework for the continuing investigation and analysis of relevant land in the Borough, following current guidance and best practice. Should any land be formally identified as ‘Contaminated’, then the team will act in their capacity as regulator and enforcing authority to secure the remediation of the site.
6. It should be noted that, even though most land may contain some form of contamination, it will not necessarily fall within the strict definition of “Contaminated Land” within the Act.
7. In acting as a Regulator, there may be occasions where work has to be undertaken and incurred costs recovered. Corporate Property Group has been consulted on these documents.
8. The Cost Recovery Policy applies no waiver or reduction and seeks to recover all reasonable costs incurred by the Council in exercising its duties under the Act and Inspection Strategy, whilst having due regard to Statutory Guidance.
9. At the Cabinet meeting of 4th December 2014, approval was given for a public consultation exercise on the proposed Contaminated Land Inspection Strategy and Cost Recovery Policy from 12th December 2014 for a period of five weeks. During the consultation, representations were received from stakeholders including English Heritage and the Risk Management and Insurance section of Dudley MBC. Additionally the opportunity was taken for a Peer Review from other Officers. Based on the comments and observations received, the Inspection Strategy has been amended to take account of the items raised during the consultation and a revised Inspection Strategy is proposed for formal adoption.
10. There were no comments or representations received concerning the Cost Recovery Policy

Finance

11. The Contaminated Land Inspection Strategy and the Cost Recovery Policy will be initially funded through existing budgets. The Cost Recovery Policy seeks to recover all costs that the Council incur during the exercising of its duties.
12. Previous investigative works on Contaminated Land have been supported by grants available from Department of the Environment, Food and Rural Affairs (DEFRA). Whilst grants are still available, they are for the remediation of land that has already been designated as “Contaminated Land”. Dudley currently has no land that meets this designation. This funding has been reduced and will not be available from April 2017.
13. Investigations may reveal contamination on sites owned by the Council, or on sites where ownership cannot be established – in which case the remediation costs would have to be borne by the Council itself. Resources to meet these costs would need to be identified in due course.

Law

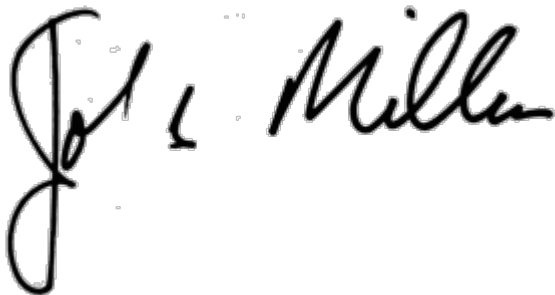
14. The introduction in April 2012 of revised Statutory Guidance made under the Environmental Protection Act 1990 requires the revision of the Contaminated Land Inspection Strategy. The Cost Recovery Policy is a supplementary document to assist in the implementation of the Inspection Strategy.
15. In addition Section 2 of the Local Government Act 2000 allows the Council to do anything that it considers is likely to promote or improve the economic, social or environmental well-being of the area.

Equality Impact

16. The Contaminated Land Inspection Strategy and Cost Recovery Policy sets the framework for the investigation and any subsequent action required for the Council to meet its obligations under Part IIA of the Environmental Protection Act 1990. The methodology will allow sites to be ranked and prioritised depending upon several factors but including the likely impact on residents and members of the public, thus meeting the needs of the communities in the Borough. This will include meeting the needs of children and young people by seeking to provide a safe environment in which they can live, and also ensuring that the environment for future generations is improved.

Recommendation

17. That Cabinet approves the adoption of the revised Contaminated Land Inspection Strategy and the Cost Recovery Policy for the Borough of Dudley.

A handwritten signature in black ink, appearing to read 'John Millar', with a stylized, cursive script.

John Millar
Acting Strategic Director of Environment, Economy & Housing

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List of Background Papers

Contaminated Land Inspection Strategy. Adopted June 2001
<http://www.dudley.gov.uk/about/plan/plans-policies--strategies/contaminated-land-strategy/>

Contaminated Land Inspection Strategy March 2015.
<http://www.dudley.gov.uk/about/plan/plans-policies--strategies/contaminated-land-strategy/>

Cost Recovery Policy
<http://www.dudley.gov.uk/about/plan/plans-policies--strategies/contaminated-land-strategy/>

Meeting of the Cabinet – 11th March 2015

Report of the Acting Strategic Director of Environment, Economy & Housing

**Approval for consultation of the draft revised Planning Obligations
Supplementary Planning Document (SPD)**

Purpose of Report

1. To seek Cabinet approval for the draft review of the “Planning Obligations SPD” to be used as a basis for public consultation commencing on 13th March 2015 for a period of six weeks.

Background

2. The Council's Planning Obligations Supplementary Planning Document (SPD) sets out detailed guidance on Dudley Council's requirements for planning obligations for all those involved in the submission and determination of planning applications as appropriate.
3. Following adoption of the initial Planning Obligations SPD in December 2007, a number of reviews have taken place in line with good practice to ensure that the required planning obligations continued to remain consistent with national guidance and be realistic and reasonable in light of economic circumstances. The last review was in 2011.
4. In line with good practice and due to a changing planning policy context for the Borough, this review is required for the following reasons:
 - To reflect the adoption of a Community Infrastructure levy (CIL) Charging Schedule.
 - To reflect changes to planning obligations which are effective from April 2015, as a result of the 2010 CIL Regulations (as amended) which limit the pooling of planning obligations (S106 agreements); and scale back the use of planning obligations to Affordable Housing and those matters that are directly related to a specific site to make a development acceptable in planning terms.
 - To reflect changes to national policy which:
 - Exempts small scale development (of less than 11 dwellings or 1000sqm) from the requirement to contribute towards affordable housing and other tariff style contributions.

- Alters the way affordable housing contributions are calculated by offering developers financial credit equivalent to existing floor space of vacant buildings on site.
 - To provide detail on how infrastructure relating to any retail expansion of Merry Hill and the Waterfront will be delivered through the use of Legal Agreements.
5. A summary of the key amendments made to the SPD are set out in the table in Appendix 1.
 6. The review of the SPD has been prepared in consultation with other Council Services particularly those that implement planning obligation spend. It is proposed that the period of consultation on the draft SPD will run from Friday 13th March to Friday 24th April 2015. During that time, the document will be able to be viewed at the reception area at 4 Ednam Road, Dudley and Dudley Council Plus, as well as at all main libraries and on the Council's website. Notification of the consultation will be sent to statutory consultees and key stakeholders who have expressed a wish to be involved. The document is also available on the Committee Management Information system and a paper copy is in the Member's Room. A drop in session for Members will also be arranged and the date will be confirmed in due course.
 7. Any representations received during the consultation period will be considered and, where appropriate, will be incorporated into the final SPD which will be presented to Cabinet in the summer of 2015 for adoption. The reviewed SPD will then become a material consideration in the determination of planning applications.

Finance

8. The preparation of the document will be funded from existing budgets and resources dedicated to the production of Development Plan Documents and other statutory planning documents. The cost of monitoring and managing the monies received through Planning Obligations is met by applicants.

Law

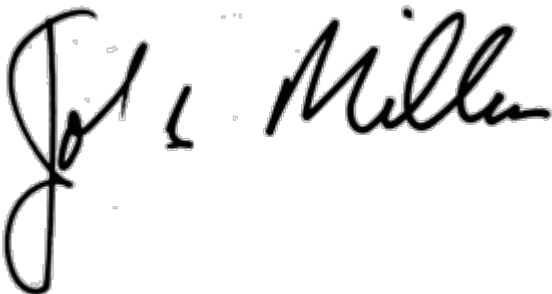
9. Following consultation and adoption, the revised Planning Obligations SPD will become a material consideration in the determination of planning applications. The review of the SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act (2004), the Town and Country Planning (Local Development) (England) Regulations 2004 (amended 2008) and the Community Infrastructure Levy Regulations (2010) as amended.

Equality Impact

10. The proposals take into account the Council's Policy on Equality and Diversity. The adoption by the Local Planning Authority of a CIL regime and amended Planning Obligations SPD will ensure that the mitigation and benefits of development are addressed across the Borough. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.
11. Planning obligations relate to the provision of affordable homes, access to jobs, services and the infrastructure that is necessary to support them, whilst protecting and enhancing the natural and built environment. The SPD therefore seeks to promote sustainable development and ensure that the infrastructure necessary to support future residential and commercial growth is delivered.

Recommendation

12. That Cabinet approves the Draft review of the Planning Obligations SPD to be used as a basis for public consultation commencing on 13th March 2015 for a period of six weeks.

A handwritten signature in black ink, appearing to read 'John Millar'. The signature is fluid and cursive, with a large initial 'J' and 'M'.

John Millar

Acting Strategic Director of Environment, Economy & Housing

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List of Background Papers

Appendix 1 – Table of amendments made to the Planning Obligations SPD

Draft Revised Planning Obligations SPD (March 2015)

Planning Obligations SPD (September 2011)

Community Infrastructure Draft Charging Schedule (July 2014)

Infrastructure Delivery Plan (August 2013)

CIL Viability Assessment (August 2013)

Appendix 1 to Cabinet Report-Main Proposed Changes to Draft Revised Planning Obligation SPD

Section	Proposed Change	Reason for Change
Obligations Grid	Removed from SPD	Planning obligations will now be determined on a site by site basis where on site mitigation is required. The only exceptions to this are affordable housing and open space obligations. There are now national thresholds

		in place for tariff based planning obligations.
Chapter 1 – changes to regulations and national policy	Further detail has been provided in relation to CIL, the national thresholds for planning obligations and the CIL Regulation 123 list; (the list of projects the Council may spend CIL monies on)..	To provide more clarity within the document and explain how planning obligations and CIL will operate alongside each other
Chapter 1 – Local Policy	Reference to related Plans and Strategies has been updated	To ensure the SPD is up to date
Chapter 2 – Monitoring, Enforcement and Spend	Updated to incorporate detail on pooling restrictions and specific spend requirements for any financial S106 contributions	To reflect changes in national policy and regulations.
Chapter 3 – Types of Planning Obligations that may be sought	The following types of formula-based infrastructure requirements have been removed from the SPD:	
	<ul style="list-style-type: none"> • Libraries • Transport Infrastructure Improvements • Open Space, Sport 	In line with the 2010 CIL Regulations (as amended) the use of planning obligations will be scaled back from April 2015. As such it will no longer possible for

	and Recreation (on sites of less than 80 dwellings)	<p>the Council to secure a generalised tariff based contribution for Library provision or Transport Infrastructure Improvements.</p> <p>It is intended that generalised infrastructure contributions from developers will be secured through CIL instead.</p>
	<ul style="list-style-type: none"> • Economic and Community Benefits • Nature Conservation Enhancements • Public Art • Public Realm 	<p>In line with the 2010 CIL Regulations (as amended) it is no longer appropriate for these types of infrastructure to be delivered through the use of planning obligations.</p> <p>The need for these types of infrastructure will be considered as part of the development management process on a site by site basis. Where required infrastructure is identified it will be secured through the use of planning conditions, supported by a range of policies within the Local Plan (including the Black Country Core Strategy, Area Action Plans and the emerging Borough Development Strategy)</p>
Chapter 3 – Affordable Housing	Detail on the Vacant Building Credit has been incorporated.	To reflect changes in national policy

Chapter 3 – Education	<p>The costs for Nursery, Primary, Secondary and post 16 school places have been updated where required.</p> <p>The evidence base has been moved to new Appendix 4</p>	To ensure the SPD is up to date
Chapter 3 – Nature Conservation	Removed references to Avoidance and Enhancement and clarified the use of Planning Obligations for Mitigation and Compensation	To reflect changes in national policy.
Chapter 3 – Open Space, Sport and Recreation	<p>Removed references to the use of tariff based formulas for residential developments under 80 dwellings.</p> <p>The evidence base has been moved to new Appendix 4</p>	To reflect changes in national policy.
Chapter 3 – Environmental Protection	Incorporated references to the emerging Renewable Energy SPD and the Black Country Air Quality SPD	To ensure the SPD is up to date

Chapter 3 – Merry Hill and the Waterfront	New section added to explain how infrastructure relating to any retail expansion of Merry Hill and the Waterfront will be delivered through the use of Legal Agreements.	To add clarity, and explain how developer contributions will be secured to deliver the required infrastructure at Merry Hill and the Waterfront to enable retail expansion.
Appendix 1 – Glossary	Updated	To ensure the SPD is up to date
Appendix 2 – Developer Obligations – Relationship between Planning Obligations and CIL	New Appendix to clarify the Council's approach to securing developer obligations through either Planning Obligations or CIL	To aid transparency and clarity
Appendix 3 – Drafting Legal Agreements and Index Linking	New Appendix lifting information from the main document into the appendices.	To add clarity and ease of use of the SPD
Appendix 4 – Evidence Base for Education and Open Space, Sport and Recreation	New Appendix lifting information from the main document into the appendices	To add clarity and ease of use of the SPD

Cabinet Meeting – 11th March 2015

Report of the Acting Strategic Director Of The Environment, Economy and Housing

**Draft “Renewable Energy Supplementary Planning Document (Spd)”
Approval To Consult.**

Purpose of Report

1. To seek Cabinet approval to undertake a period of 6 weeks statutory consultation on the Renewable Energy Supplementary Planning Document commencing on Friday 13th March.

Background

2. The Council's Renewable Energy Supplementary Planning Document (SPD) sets out guidance on the requirements to comply with the Policy ENV7 (Renewable Energy) of the Black Country Core Strategy, for those involved in the submission and determination of planning applications. Policy ENV 7 requires that where achievable all new residential developments of over 10 dwellings or any non-residential developments of over 1000m² ensure they provide at least 10% of their energy requirements from renewable sources.
3. The purpose of this SPD is;
 - a. To offer guidance to planning applicants and potential developers on how to calculate the 10% energy requirement for the building;
 - b. To provide guidance on different types of renewable energy sources that would be acceptable to meet the 10% renewable energy requirement;
4. Once adopted this SPD will form a part of the Local Plan and it will be taken into account in making planning decisions for the Borough.

5. This draft SPD has been informed by comments and views which were given at a previous consultation stage alongside expertise from key Council Officers, Public Health Professionals and other Stakeholders throughout the preparation process.
6. It is proposed that a period of consultation on the draft SPD will run from Friday 13th March to Friday 24th April 2015. During that time the document will be made available to view at the reception area at 4 Ednam Road, Dudley Council Plus, as well as at all main libraries and on the Council's website. Notification of the consultation will be sent to statutory consultees and key stakeholders who have expressed a wish to be involved. The document is also available on the Committee Management Information System and a paper copy is in the Members Room. A drop in session has also be arranged for Members on 19th March 2015.
7. Any representations received during the consultation period will be considered and, where appropriate, will be incorporated into the final SPD which will be presented to Cabinet in the summer of 2015 for adoption.

Finance

8. The preparation of the document will be funded from existing budgets and resources dedicated to the production of Development Plan Documents and other statutory planning documents.

Law

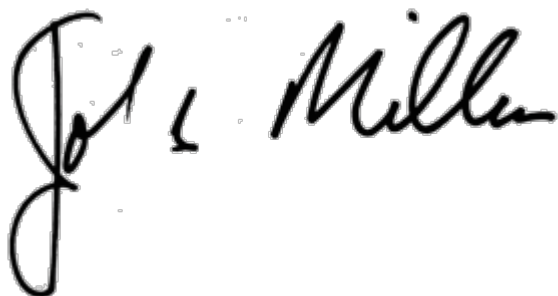
9. Following consultation and adoption the Renewable Energy SPD will become a material consideration in the determination of planning applications. The SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework (NPPF).

Equality Impact

10. The SPD has been prepared in accordance with the Council's policy on Equality and Diversity, ensuring that it provides benefits for adults, children and young people alike, promoting equal opportunities for all.

Recommendation

11. The Cabinet approves the draft Renewable Energy Supplementary Planning Document to be used as the basis for public consultation commencing on 13th March for a period of six weeks.

A handwritten signature in black ink, appearing to read 'John Millar'. The signature is fluid and cursive, with the first name 'John' written in a stylized, looped manner and the surname 'Millar' in a more straightforward cursive script.

John Millar

Acting Strategic Director of Environment, Economy and Housing

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List of Background Papers

Appendix 1 – Draft Renewable Energy Supplementary Planning Document

Meeting of the Cabinet – 11 March 2015

Report of the Strategic Director for the Environment, Economy and Housing

Dudley Market

Purpose of Report

1. To seek Cabinet approval for a pilot project to enable Dudley Market to be operated by a company established by Dudley Market Traders.

Background

2. Dudley Market is a traditional 6 day market which for many years has operated from 74 stalls and has provided a key local retail offer in the heart of the town. The Market Management service is currently operated directly by the Council, which employs a Market Manager, who allocates 1/3 of her time to this work, and 2 part time Market Officers
3. The Market Management service carries out the following duties
 - The management of stalls and the daily allocation of stalls to casual traders and the collection, recording and banking of stall rent fees
 - Dealing with requests and queries raised by traders and shoppers
 - Enforcing the regulations of the Market
 - Arranging for general repairs and maintenance to the structure of the Market.
 - Advertising and promoting the Market to attract new traders and shoppers.
 - Recording and collating performance data regarding daily occupancy levels and amount of income generated.

4. In line with traditional markets nationally, the Market has seen a reduction in occupancy and income to the Council. This is a result of both a change in retail patterns that has had a similar negative impact on High Street retail activity generally, as well as the economic downturn. As an indication of this contraction, the annual operating surplus of the Market has fallen over the last decade from £136,682 in 2004/5 to £70,899 in 2012/13, the year prior to commencement of the Market Place renovation project.
5. Members will be aware of the significant public and private sector investment currently underway in and around the Town Centre, in the form of Dudley College's campus redevelopment, the Castle Hill and Zoo project, the Townscape Heritage Initiative and the Castle View and Constitution Hill residential developments.
6. At the heart of this activity is the £6.7m renovation of the Market Place and Castle Street which will provide a 21st century setting for the market with upgraded facilities continuing to operate from 74 stalls. Given this investment, which seeks to diversify the retail offer and deliver economic growth and jobs, and the increased footfall and expenditure anticipated from greater numbers of visitors, shoppers and residents in the Town Centre, there is a need to provide an enhanced Market offer. The Market has real potential to build its offer as an attraction in the Town Centre and become a destination in its own right as well as being a distinctive and complementary part of the Town's retail offer.
7. The Market Manager will be leaving the employment of the Council under the voluntary redundancy scheme at the end of March 2015. The 2 Market Inspectors have applied for voluntary redundancy and it is proposed, subject to approval of this report, that their applications be accepted to allow them to leave at the same time as the management of the Market is transferred to the Traders' organisation.

8. In the context of the above, the opportunity has arisen to review the operation of the Market in order to maximise income to the Council and add value to the Town's retail offer. A set of objectives for the future of the Market has accordingly been prepared as follows:

- To make the Market Place the hub of a range of new activities and events which will allow the Council and the Town Centre to fully exploit and capitalise upon investment in the Market Place and environs
- To protect the existing Market offer and retain its established customer base
- To develop the Market offer in terms of its hours of operation and quality of offer that will build on the ongoing regeneration plans for Dudley Town Centre. This could include specialist markets and opening the Market for evening and Sunday events
- To provide a professionally operated and consistent offer which presents opportunities for enterprise and sustainability.
- To help raise aspirations for the Town Centre as a destination of choice in the Black Country.
- To instil a positive impression among local stakeholders, local communities and visitors to Dudley Town Centre.
- To assist in promoting Dudley Town Centre as a business location, providing workers with an attractive environment where they can enjoy what the Town Centre has to offer.
- To bring diverse communities together to enjoy and connect with their High Street, bringing out what is unique about Dudley Town Centre
- To draw new visitors to the Town Centre to deliver economic benefits to local business.
- To achieve significant economic uplift, including new enterprise and jobs, increasing footfall and visitor satisfaction, and enhancing the attractiveness and potential for letting of empty retail units close by

9. In line with guidance issued by the Department for Communities and Local Government, an options appraisal has been carried out to identify the preferred management model for the operation of the Market, and a summary of this is shown in Appendix A. The options appraisal considered factors which included

income generation, ability of the Council to influence the Market operation, business resilience and compatibility with the Love your Community and business support agendas. In summary, the options available to the Council to manage the Market are:

Local Authority	The 'as now' option; direct provision and management by the local authority
Private	Operation directly by the private sector, either licensed by the local authority under its market rights or completely outside its licensing framework
Trader	Direct management by market traders
Partnership	Retention of strategic management by the local authority but with the operational management outsourced
Arm's length	Creation of an arm's length limited liability partnership that takes a long lease for the operation of the market
Social/Community enterprise	Models that operate on a basis of trading ethically and generating wider social or environmental benefit through their trading activity
Voluntary sector	Managed by volunteers and creating a sense of community ownership as well as reducing operational costs

10. Representatives of the Market Traders have requested that the Council consider entering into an arrangement for them to directly manage the Market. Their proposal is to provide this service at no charge to the Council, carrying out the management services listed under Paragraph 3 above. In order to cover the operating costs of the company they would levy a small charge to each stallholder. The contractual relationship for the use of a market stall would remain between a trader and the Council, with the Traders' organisation responsible for collecting stall rents on behalf of the Council, with 100% of stall rents passing directly to the Council

11. This proposal offers a number of benefits as below:

- The Traders' organisation is proposed to operate on a not for profit basis with the primary incentive for success being one of self interest in having a vibrant market that can attract footfall and increase sales
- The proposal accords very well with the Council's desire to support local and small businesses, who would have a direct stake in the success of the market. To this end it sits very comfortably as part of the Council's Love Your Community initiative.
- There are a number of financial benefits to the Council. Given that this is a 'minimal cost' option, the traders propose to operate the market on a low rent basis, which will give this market a significant regional advantage, and give the best prospects of increasing stall occupancy. In addition, it will be easier for the Council to predict income levels, which it is anticipated will immediately be higher than at present
- Given the general national pattern of contraction in High Street retailing, and the inevitable but short term disruption to the Town Centre resulting from the significant development activity underway, this proposal offers the potential to nurture and grow the market in a way that is unlikely to be achieved by a commercial operator
- Due to the decline in High Street retail activity and any short term negative impact of the Market Place construction works, management of the Market is likely to be of limited interest at present to commercial operators. Management of the service by a Traders' organisation offers a real opportunity to nurture and grow the Market.

12. All of the management options set out in Paragraph 9 carry some risk, and these are shown in the options appraisal in Appendix A. The key risks identified with the proposal contained in this report are set out below:

- The Market Traders do not have the same level of experience as a commercial operator in the administration of the Market and have no track record in operating via a legally constituted body
- To date, contact between the Council and the Traders been through a small number of Traders representatives and the Council will need to be assured that the Traders organisation could operate effectively in the event of them not being present

- The ability of the Traders to increase the Market offer in terms of opening times and range of goods is unknown
13. In order to mitigate these risks, the Council will need a mechanism to ensure that the Traders' Organisation delivers acceptable outputs. It is therefore proposed to negotiate an agreement with the Traders' organisation once they have formed a legal entity capable of entering into a binding agreement with the Council and once due diligence checks have been carried out. It is proposed that this agreement will include:
- Setting up the management arrangements on a 'Pilot' basis with an initial 12 month period with extension for another 12 months based on successful performance with 6 monthly formal performance reviews
 - Performance criteria including income levels, stall occupancy levels and quality measures relating to opening times and range of goods
14. In the event of an unacceptable level of performance the ultimate sanction for the Council would be the termination of the agreement and the management of the Market by another route.
15. Whereas the Market Traders' organisation would have a clearly defined responsibility for the management of the market, it is proposed that it would work in partnership with the Council on increasing footfall by joint marketing and promotion and by the delivery of an annual programme of events.
16. Subject to the approval of the proposals contained in this report and the negotiation of an acceptable agreement between the Council and the Market Traders' organisation, it is proposed to transfer the management of the Market on the 1st August 2015.

Finance

17. The Market is currently budgeted to deliver a net annual surplus of £97,000 for the Council. Under the proposed operating model the Council will agree with the Traders Organisation an initial rental level aimed to increase occupancy as the new market is launched.

Even on the basis of recent occupancy levels and taking into account these costs that the Council will continue to carry, together with the revenue savings from the current management structure, projected income to the Council would exceed that achieved in the last full year of operation. Some of this could be used to offset higher maintenance costs which will be a consequence of regenerating the Market Place.

Law

18. Section 1 of the Localism Act 2011 provides the Council with a general power of competence to do anything that individuals generally may do.

Equality Impact

19. There are no special considerations to be made with regard to equality in this report

20. Due consideration will be given to equality issues in preparing a management agreement between the Council and the Dudley Market Traders' organisation

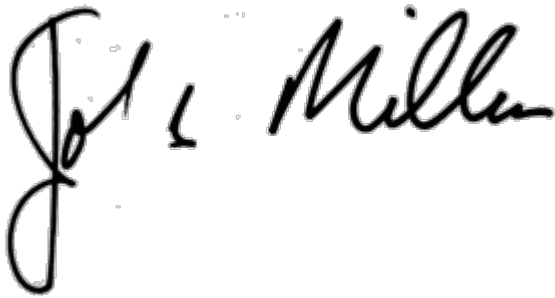
Recommendations

21. It is recommended that the Cabinet;

- a) Authorise the Strategic Director for Resources and Transformation and the Strategic Director for the Environment, Economy and Housing, in consultation with the Cabinet Member for Regeneration, to enter into an agreement on appropriate terms and conditions with a Traders Management Company for the management of Dudley Market.
- b) Consider a further report on the management of the Dudley Market by the Market Traders after the first 6 monthly review and before the end of the 12 month pilot

John B Millar

Strategic Director for the Environment, Economy and Housing

A handwritten signature in black ink, reading 'John B. Millar'. The signature is fluid and cursive, with the first name 'John' and the last name 'Millar' clearly legible.

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List of Background Papers

Retail Markets – Management models; Communities and Local Government,
September 2010

Meeting of the Cabinet – 11 March 2015

Report of the Strategic Director for the Environment, Economy and Housing

Dudley Market

Options appraisal

	Local Authority (As now scenario)	Trader Managed	Partnership (with private operator)	Arms Length	Social/ Community Enterprise	Voluntary	Shared LA Management
Ability to maximise income to the Council	Yes – but operating costs reduce surplus. Income has steadily reduced over the last 10 years	Yes as running costs are likely to be minimal	Yes – but in the longer term. Commercial operators exist who have the resources to respond and maximise income. Operating costs reduce surplus	Yes – but probably equivalent to LA Managed	Not known , but in theory possible as running costs are likely to be low	Not known , but in theory possible as running costs are likely to be minimal	Yes - but operating costs reduce surplus
Existence of a mature market from which a supplier may be sought	Yes – existing operator	No . However, if managed by local traders, local experience would be valuable	Yes	No	No . If managed by local traders, experience needs to be developed	No	Yes subject to willingness to share services
Ability for the Council to influence the Market offer	Yes - directly	Yes – but limited sanctions in the event of default by the operator	Yes . Contractually enforceable	Yes but potentially less enforceable	Reduced ability to influence. Less commercial operation	Reduced ability to influence	Yes . Contractually enforceable

	Local Authority (As now scenario)	Trader Managed	Partnership (with private operator)	Arms Length	Social/ Community Enterprise	Voluntary	Shared LA Management
Support for the Council's business/community support agendas	Yes	Yes	Yes if specified but likely to impact on income levels	Yes if specified	Yes	Yes	Yes if specified
Other	In the event of an operator failing, the default position would be for the Council to suspend the market or manage it on an interim basis	Ability of local Traders to manage the market is unknown but self interest for a vibrant market is a significant driver. Significant Love Your Community benefits to small local businesses	Likely to be an initial rent free period or tiered payment structure while the market is developed. Experience elsewhere is of increased rents and reduced occupancy		Significant risk of failure which would make procurement of another operator more difficult	Significant risk of failure which would make procurement of another operator more difficult	Issues of time and efficiency in setting up systems and processes

