

Meeting of the Council

Monday, 7th October, 2019 at 6.00pm
in the Council Chamber at the Council House, Priory 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)**

Prayers

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 meeting held on 8th July, 2019 as a correct record](#)
4. Mayor's Announcements
5. To receive reports and recommendations from meetings as follows:

Meeting of the Cabinet dated 11th September, 2019

Councillor P Harley to move:

- (a) [Capital Programme Monitoring \(Pages 1 - 14\)](#)

Meeting of the Audit and Standards Committee dated 23rd September, 2019

Councillor A Taylor to move

- (b) [Treasury Management \(Pages 15 - 22\)](#)

6. [Appointment of Independent Person - Member Complaints and Standards Matters \(Pages 23 - 25\)](#)



7. Notices of Motion

- (a) To consider the following notice of motion received from Councillor P Lowe on 31st January, 2019:

Divestment Motion - Fossil Fuels

“Dudley Council recognises that:

1. Burning fossil fuels poses a serious risk to the stability of the climate upon which our well-being and economy depend.
2. Research demonstrates that up to 80% of the world’s proven fossil fuel reserves will have to remain unburnt if we are to have a reasonable chance of keeping global warming to less than 2 degrees Celsius, the globally agreed target for climate change mitigation.
3. Since 80% of fossil fuels must remain in the ground, the reserves of the fossil fuel industry risk becoming ‘stranded assets’ with little or no value – representing a substantial financial risk for those that invest in them.
4. West Midlands Pension Fund currently has over £490 million invested in the oil, coal and gas industries. This is environmentally and financially irresponsible.
5. To date, over 700 institutions representing over \$5trillion in assets have committed to some form of divestment from fossil fuel companies.

In response to this Dudley Council pledges to:

A) Review its Investment Strategy and develop and implement a Responsible Investment Policy, which rules out new investments in Fossil fuel companies.

B) Call on West Midlands Pension Fund to divest from fossil fuels by mandating its representative on the Pension Fund Committee to call for the development and adoption of Responsible Investment policies which:

- (1) Immediately freeze any new investment in the top 200 publicly-traded fossil fuel companies;
- (2) Divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds within 4 years;
- (3) Set out an approach to quantifying and addressing climate change risks affecting all other investments, and

- (4) Focus future investments on areas that minimise climate change risk.”
- (b) To consider the following notice of motion received from Councillor R Buttery on 13th February, 2019:

The Smallest Things Employer with Heart Charter - Supporting Parents of Premature Babies

“Parents facing the worry and uncertainty of visiting their premature baby in hospital should not spend that time as maternity or paternity leave. The Council understands that premature babies need more time; time to develop, time to grow and time for mums and babies to bond at home after neonatal intensive care.

The Council also understands that returning to work can be a difficult time for parents of premature babies and that babies born too soon can have ongoing medical needs, requiring regular hospital appointments and check-ups.

This Council commits to signing up to the Smallest Things Employer with Heart Charter, supporting parents of premature babies, and resolves to:

- (1) Extend maternity leave for mothers who give birth prematurely (before 37 weeks gestation) by the number of days a baby was born prior to their due date. We will pay extended leave at full pay and this may be classed as compassionate leave.
- (2) Give partners the time they need to be with their baby in hospital, receiving at least two weeks’ paid compassionate leave on the birth of their premature baby. Partners may wish to save or split their parental leave, being there when their baby comes home from hospital. We understand that plans may change depending upon the baby’s medical needs, that additional compassionate leave may be required and that the date a baby will come home from hospital is rarely set in stone.
- (3) Support parents returning to work following the birth of a premature baby by following the Advisory, Conciliation and Arbitration Service (ACAS) best practice guidance, considering formal and informal flexible working patterns and offering additional paid or unpaid leave.
- (4) Instruct the Chief Executive to bring forward the necessary amendments to the Council’s Family Friendly Policy and Procedures for formal approval by the Cabinet Member for Finance, Council Sustainability and Transformation.”

- (c) To consider the following notice of motion received from Councillor P Lowe on 10th May, 2019:

Stourbridge College

“This Council notes with concern the decision of BMet to close Stourbridge College with effect from 1st August, 2019.

This Council further notes the negative impact that this will have upon educational provision in Stourbridge.

Stourbridge College has served thousands of students for many years and is an essential part of the local community and economic prosperity. It is essential that this provision is maintained for future generations.

This Council resolves to call upon BMet to:

- Immediately cease the planned closure and reconsider this course of action.
- Fully consult with Trade Unions representing workers at the college to ensure educational provision is maintained.
- Fully engage with Dudley Council, appropriate community groups, students and the wider community about the decisions regarding ongoing access to FE and vocational provision in Stourbridge.
- Commit to maintain current educational provision at Stourbridge College.”

- (d) To consider the following notice of motion received from Councillor J Martin on 26th June, 2019:

Free TV Licences

“This Council fully supports the Age UK Campaign - Switched Off: Save Free TV for Older People.

For over a million of our oldest citizens the TV is their constant companion and window on the world. And now it's under threat. Up to 3.7 million pensioners who previously received a free TV licence will now have to pay for it.

Free TV licences were given to the over-75s in 2000/01, as part of a Labour Government programme to reduce pensioner poverty and isolation.



In 2015 the Conservative Government announced, as part of the licence fee and charter negotiation, that the BBC and not the Government should take responsibility for free TV Licence funding for the over-75s from 2020.

Ever since then, the BBC has been pondering if it can afford to take on the cost which was expected to total £745m - a fifth of the BBC's current budget.

The BBC has now announced it cannot afford to fund free TV licences for all the over 75s and that it will means test pensioners - meaning that only those households in receipt of Pension Credit will still be eligible.

Means-testing may sound fair but in reality it means 650,000 of our poorest pensioners, just above the Pension Credit threshold, facing a big new annual bill they simply can't afford.

One in four over-65s say the TV is their main form of companionship, according to Caroline Abrahams, charity director of Age UK. She said 'Make no mistake, if this scheme goes ahead we are going to see sick and disabled people in their eighties and nineties who are completely dependent on their cherished TV for companionship and news forced to give it up. Elderly people are likely to feel 'enormous anxiety and distress, and some anger too', she said, adding 'But in the end this is the Government's fault, not the BBC's. The Government pushed the scheme onto the BBC in 2015, without asking the public what we think or providing the funding to sustain it.'

Therefore, Dudley Council urges the Government to provide funding for free TV licences for everyone over 75 who needs one and instructs the Council's Chief Executive to write to the Prime Minister to notify him of this."

- (e) To consider the following notice of motion received from Councillor C Barnett on 26th June, 2019:

Climate Emergency

"In response to the 'Special Report on Global Warming of 1.5°C', published by the Intergovernmental Panel on Climate Change in October 2018, I move that this Council commits to declare a 'Climate Emergency' that requires urgent action.

This Council commits to:

Take actions to ensure that the Council's activities achieve a net-zero carbon footprint by 2030;

Take actions to ensure that 100% of energy consumed by the Council's full range of functions is derived from renewable or sustainable sources by 2030;

Ensure that all strategic decisions, budgets and approaches to planning decisions are developed mindful of a target of a net-zero carbon footprint by 2030;

Encourage all partners to set a target of a net-zero carbon footprint across the Dudley Borough by 2030 and provide the support and guidance they need to achieve that target;

Support the Strategic Executive Board in creating short, medium and long-term action plans, goals and budgets that support this motion within an agreed timeframe;

Support Scrutiny Committees in understanding how to incorporate the impact of climate change and the target of a net-zero carbon footprint into all future scrutiny work;

Request that the Place Scrutiny Committee set up a Climate Change Action Group, involving Council stakeholders and representative groups from across the Dudley Borough. The Group should seek advice from appropriate climate science and solutions experts, businesses and other relevant parties;

The Climate Change Action Group will scrutinise the strategies and actions being developed by the Council in line with the target of net-zero carbon footprint by 2030 and develop any necessary recommendations;

Ensure that preparations for the 2020/21 budget cycle account for any immediate actions the Council will take to address this emergency and to implement this motion;

Call on the UK Government to provide the powers, resources and additional funding to make the target of a zero-carbon footprint by 2030 achievable."



- (f) To consider the following notice of motion received from Councillor K Casey on 26th June, 2019:

Community Defibrillators

“This Council recognises the importance of improving the safety of all residents in all communities across our Borough and is committed to help improve the health and well-being of local residents.

An Automatic External Defibrillator (AED) is a portable electronic device that automatically diagnoses life-threatening sudden cardiac arrest in a patient and is able to treat them through Defibrillation. Defibrillation is one of the four links in the ‘chain of survival’ – a series of actions that improve a person’s chances of surviving cardiac arrest. The four links are:

- Early recognition
- Early cardio-pulmonary resuscitation
- Early defibrillation
- Post resuscitation care

There are a number of different providers and types of AED but essentially they all do the same thing:

- Analyse the victim’s heart rhythm
- Determine if a shock is required
- Provide voice and/or visual prompts to assist the rescuer.

Up to seven out of 10 people who suffer a cardiac arrest could survive if they are treated with a defibrillator within the first five minutes.

Although some defibrillators are available across the Borough, their distribution is uneven, leaving gaps in the network.

Therefore this Council resolves to:

- Review its provision of defibrillators across its entire public estate;
- Review and commit to installing 1 AED in each of the 24 wards across the Borough, looking at public parks, community centres, leisure facilities and areas of high public footfall;
- Undertake a programme of training for staff who have daily contact with the public in the use of Defibrillators and Cardiopulmonary resuscitation (CPR);



- Instruct Officers to work with colleagues in the NHS to identify gaps in the existing network and to seek any necessary funding approvals to implement this motion;
- Request that the Mayor in his civic leadership role bring together charities and campaign groups working in this field along with other key stakeholders to shape an action plan for adequate training in the community in locations where the new provision is introduced, ensuring that all local residents are aware of the Public Access Defibrillators and how to use them.”

(g) To consider the following notice of motion received from Councillor J Foster on 26th June, 2019:

Wi-Fi for Community Centres

“In Dudley Borough there are 31 Community Centres covering the area. The impact of austerity means that many people in Dudley rely on Community Centres for work-based support and leisure activities, including hire for events such as wedding receptions, wakes and birthday parties at low cost compared to private commercially run venues. They also host many friendship clubs which help tackle the problem of loneliness faced by many older people in our communities who are on fixed incomes and cannot afford to engage in most privately-run age appropriate leisure activities.

However, with the rising cost of maintenance and energy bills, many Community Centres struggle to make ends meet. Due to cuts in its own budget, the Council can only afford to provide limited advice and support. These factors place these essential facilities at risk of loss to the very communities that rely on the activities and services they provide the most.

One type of support the Council could offer is the provision of free Wi-Fi to the 14 Community Centres that currently do not have Wi-Fi facilities. The installation of Wi-Fi would enable Community Centres to extend their hire offer to a wider range of customers, for example, training providers and local companies looking for a cost-effective venue for a business meeting. Community Centres could therefore generate more income that will enable them to be financially sustainable for the long term and sufficiently viable to continue to offer activities and services to those in their communities that need them most.

Should all Community Centres currently without provision take up this offer, there would be a total one off installation cost of £49,000 and, for each Centre, annual costs of between £2200 and £3500.



This Council therefore instructs officers to bring forward detailed proposals as part of the budget process to offer free Council Wi-Fi facilities to all Community Centres currently without provision.”

- (h) To consider the following notice of motion received from Councillor S Ridney on 20th August, 2019:

Child Poverty

“The Council notes:

The increase in child poverty in Dudley since the Tory administration is alarming with predictions of 1 in 3 children living below the poverty line. In Dudley that is approximately 29 per cent.

Alongside this is the increasing number of food banks in the country. Also, in an increasing number of cases, families are being supported during school holidays to feed their children by churches and voluntary organisations.

The current freeze on Benefits and the rollout of Universal Credit are partly to blame for these increases.

The Council calls on the Government:

1. To review its welfare strategy with a view to providing more support for the most vulnerable in our society.
2. To take urgent steps to address this appalling trend and to reinstate ambitious targets for lowering child poverty.
3. To take urgent action to help those who are most affected by poverty.

In addition, the Council asks:

That the Leader of the Council writes to the Local Government Minister expressing our dismay at these trends and seeking his support in requesting additional funds to be provided to Local Authorities by Central Government to help those most disadvantaged.”



- (i) To consider the following notice of motion received from Councillor C Bayton on 20th August, 2019:

National Health Service (NHS)

“This Council notes that the NHS is facing severe financial pressures, with approximately 80% of hospitals now in financial deficit. Experts in the field say the additional funding money is simply not enough to address the fundamental challenges facing the NHS, or fund essential improvements to services that are flagging.

Health experts from the Nuffield Trust, Health Foundation and King’s Fund predict tight spending in recent years and increasing demand for services have been “taking a mounting toll on patient care”. They add that there is “growing evidence that access to some treatments is being rationed and that quality of care in some services is being diluted.”

In Dudley, the main provider of hospital services (the Dudley Group NHS Foundation Trust) is having to make financial efficiencies to make ends meet and whilst the Council supports the principles of integrated care as defined in the Multi-Specialty Care Provider (MCP), the Council cannot see the justification for developing a new independent organisation where the national direction is to reduce infrastructure. The Council support all necessary money to be directed to delivering patient care.

This Council wishes to record its clear support for the National Health Service and for prioritising patient care. The Council instructs the Chief Executive to:

1. Write to all the local MPs to express our concerns about the risk to the NHS with the development of an independent organisation;
2. Direct all support to the integration of Community and Primary Care services without the need to invest in setting up a separate independent organisation;
3. Work with the Clinical Commissioning Group (CCG) to identify a solution that reduces bureaucracy and directs all money to the delivery of patient care;
4. Work with the CCG to amend the current model of the MCP so that it removes the necessity for a separate organisational form.”

- (j) To consider the following notice of motion received from Councillor J Martin on 20th August, 2019:

A single use plastic free Dudley

“Dudley residents are very aware of the increasing amount of evidence showing the significant impact of disposable plastic items on the world's oceans, waterways, marine life, human health and the impact of litter on our communities. The Council will commit to:

1. Develop a robust strategy to make Dudley Council a ‘single-use plastic free’ authority by the end of 2019, including an end to the purchase and procurement of single use plastics through the supply chain;
2. End the sale and provision of single use plastic products such as bottles, cups, cutlery and drinking straws in Council buildings; and
3. to encourage local businesses, organisations, schools and communities to move away from single-use plastics and use sustainable alternatives as well as to support beach cleans and other events which aim to raise awareness of the issues of single-use plastics.”

- (k) To consider the following notice of motion received from Councillor P Lowe on 23rd August, 2019:

Homelessness

“In accordance with international human rights treaties and in line with domestic law and the democratic and humanist values that underpin it, we, Dudley Metropolitan Borough Council (“the Council”) declare:

It is the constant concern of the Council to respect and uphold the rights of people who are experiencing homelessness, in particular their right to housing. While working towards that goal we are determined not to contribute in any way to the harsh and inhuman conditions too often experienced by people who do not have a place to live.

We believe that it is the responsibility of all individuals, businesses and organisations, and of all local authorities, including ourselves, to commit themselves to improving the living conditions of people who are homeless and to lessen the negative effects of homelessness.



To help achieve this, and in common with cities throughout Europe, we believe that it is important to re-state that every person who is experiencing homelessness is entitled to the same treatment as any other resident in the area. No one should be denied rights because they are homeless.

In particular we commit ourselves to making effective the following rights:

1. THE RIGHT TO HOUSING

The most important right a homeless person has is to exit homelessness. Services supporting access to appropriate housing must be accessible to all homeless people. In partnership with other competent public authorities, the Council shall work to ensure that there are sufficient routes into housing to meet need.

2. THE RIGHT TO SHELTER

Where housing cannot be immediately provided, there must be access to decent emergency accommodation for all homeless people. The Council is committed to ensuring that there is sufficient emergency accommodation available to all, so that no one is forced to sleep rough for want of a bed.

3. THE RIGHT TO USE PUBLIC SPACE

People who are homeless should have the same right to use public space and to move freely within it, and to rest in it, as anyone else. This includes, but is not limited to, access to pavements, parks, public transport and public buildings on the same terms as any other member of the public.

4. THE RIGHT TO EQUAL TREATMENT

The Council is committed to ensuring that their staff and services uphold the right to equal treatment for all, without discriminating against the homeless.

5. THE RIGHT TO A POSTAL ADDRESS

The Council shall secure that homeless people who need one have an effective postal address of last resort.

6. THE RIGHT TO SANITARY FACILITIES

The Council commits to providing access for all homeless people to basic sanitary facilities – running water (drinking fountains), showers and toilets sufficient to allow for the level of hygiene appropriate to maintaining human dignity.



7. THE RIGHT TO EMERGENCY SERVICES

The right to emergency services – social services, health services, the police and the fire service – on equal terms with any other member of the public, without being discriminated against because of their housing situation or their physical appearance.

8. THE RIGHT TO VOTE

The right to vote, to be included on the electoral register and to be given the necessary documents to prove their identity when voting in elections, without being discriminated against because of their housing situation.

9. THE RIGHT TO DATA PROTECTION

People who are homeless have the right to data protection, with their data only being shared by public and other services with their consent and only for the purposes of providing services and solutions to them. Homeless people have the same right as everyone else to exercise control over their personal details, particularly their health information, their criminal record if they have one, their housing and their private life and family history.

10. THE RIGHT TO PRIVACY

The right to privacy must be respected and protected to the fullest extent possible in all types of accommodation, including communal accommodation structures and informal accommodation lived in by homeless people. The Council is committed to working to ensure that all emergency accommodation provided can deliver on this right.

11. THE RIGHT TO SURVIVAL PRACTICES

The right to carry out practices necessary to survival within the law. While the Council strives for a Borough in which such practices are not necessary, we recognise that where people have no other option they will seek support from other people through begging or foraging for discarded food to survive. Such survival practices should not be criminalised as such, or banned, or arbitrarily confined to specific areas.

12. THE RIGHT TO RESPECT FOR PERSONAL PROPERTY

People who are homeless should have their belongings, including tents and sleeping bags, respected by everyone including public servants. They should never be damaged or thrown away or be removed without compelling need, and if they are removed they should be made available for collection without charge.



13. THE RIGHT TO LIFE

The right to life requires public authorities to take measures to preserve life. When people who are homeless (including people in emergency accommodation) die, the Council is committed to ensuring that their deaths are recorded as such, and that in each case there is a reasonable public investigation in order to understand the causes of death and what might have prevented it.

8. Questions from Members under Council Procedure Rule 11
9. 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: 27th September, 2019



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- Elected Members can submit apologies by contacting Democratic Services: Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk



Dudley Metropolitan Borough Council

**Minutes of the proceedings of the Council
at the Meeting held on Monday, 8th July, 2019
at 6.00 pm in the Council Chamber, the Council House, Dudley**

Present:

Councillor D Stanley (Mayor)
Councillor H Bills (Deputy Mayor)
Councillors A Ahmed, K Ahmed, R Ahmed, S Ali, A Aston, M Aston, M Attwood, J Baines, N Barlow, C Barnett, C Bayton, I Bevan, R Body, P Bradley, R Burston, R Buttery, K Casey, B Challenor, S Clark, J Cooper, B Cotterill, J Cowell, S Craigie, T Crumpton, P Drake, C Elcock, M Evans, A Finch, K Finch, J Foster, B Gentle, A Goddard, S Greenaway, M Hanif, D Harley, P Harley, A Hopwood, Z Islam, L Jones, S Keasey, I Kettle, E Lawrence, P Lee, A Lees, K Lewis, P Lowe, J Martin, P Miller, A Millward, S Mughal, C Neale, G Partridge, C Perks, S Phipps, N Richards, S Ridney, J Roberts, M Rogers, P Sahota, K Shakespeare, A Taylor, E Taylor, L Taylor, D Tyler, D Vickers, V Wale, T Westwood and Q Zada together with the Chief Executive and other Officers

20 **Prayers**

The Mayor's Chaplain led the Council in prayer.

21 **Apologies for Absence**

Apologies for absence were received on behalf of Councillors L Johnson and S Waltho.

22 **Declarations of Interest**

Declarations of interest, in accordance with the Members' Code of Conduct, were made by Members as follows:

Councillor A Aston - Any references to West Midlands Ambulance Service (WMAS) - Pecuniary interest in any matters directly affecting his employment by the WMAS

Councillors M Evans and D Vickers - Any matters relating to Castle Hill Development and all references to Dudley Zoo - Non-pecuniary interests as Members of Dudley and West Midlands Zoological Society Ltd.

Councillors A Taylor and L Jones - West Midlands Combined Authority – Transport Delivery Committee - Non-pecuniary interests as Members of the Committee.

Councillor R Burston - Capital Programme Monitoring (Metro Retaining Wall) and any references to West Midlands Combined Authority - Pecuniary interest in any matters directly affecting his employment by the WMCA.

Councillor I Bevan - References to Dudley Group NHS Foundation Trust/Russells Hall Hospital - Pecuniary interest in any matters directly affecting his employment by Dudley Group NHS Foundation Trust.

Councillors N Barlow and A Millward - Notice of Motion - Non-pecuniary interests as Members of West Midlands Pension Fund.

Councillors N Barlow and P Miller – Matters relating to West Midlands Fire and Rescue Authority - Non-pecuniary interests as Members of the Authority.

Councillor Q Zada – Minutes of the Appointments Committee - declared, for transparency purposes, that his brother was an employee of Wolverhampton City Council.

Councillor R Burston – Minutes of the Development Control Committee - Non-pecuniary interest in respect to Planning Application No. P18/0590 – Land north of Duncan Edwards Way and either side of Trindle Road, (Portersfield), Dudley, due to his employment with West Midlands Combined Authority.

Councillor M Hanif - Minutes of the Development Control Committee - Non-pecuniary interest in respect of Planning Application No. P18/0590 – Land north of Duncan Edwards Way and either side of Trindle Road, (Portersfield), Dudley, as he was a Member of the West Midlands Combined Authority - Transport Delivery Committee.

Councillor J Martin - Minutes of the Development Control Committee - Non-pecuniary interest in respect of Planning Application No. P19/0325 – Land off Dreadnought Road, Pensnett – Erection of Commercial unit for B2, B8 and B1.

Councillor M Hanif – Minutes of the Taxis Committee - Non-pecuniary interest in the review of a Private Hire Driver's Licence (ZAZ), as the driver was known to him.

23 **Minutes**

Resolved

That the minutes of the annual meeting and the extraordinary meeting held on 16th May, 2019, be approved as correct records and signed.

24 **Mayor's Announcements**

(a) John Walters

The Mayor referred to the death of John Walters. Former Councillor Walters had served the Coseley East ward and had been Mayor of the Borough in 2001/02. The Council observed a period of silence as a token of respect to his memory. Members then paid individual tributes.

(b) Kevin O'Keefe - Chief Executive

The Mayor welcomed the new Chief Executive, Kevin O'Keefe to the first meeting of the Council since his appointment.

(c) "At Home" Event

To be held on 25th July, 2019 at Himley Hall.

(d) Civic Sunday

To be held on 28th July, 2019 at St James the Great Church, Lower Gornal.

(e) Charity Cricket Match

To be held on 2nd August, 2019 at the Memorial Ground, Stourbridge.

25 **Capital Programme Monitoring**

A report of the Cabinet was submitted.

It was moved by Councillor P Harley, seconded by Councillor D Vickers and

Resolved

- (1) That the outturn position for 2018/19 be noted.
- (2) That current progress with the most significant capital schemes be noted.
- (3) That any expenditure which can be funded from "Section 106" developer contributions towards the provision of affordable housing, be included in the Capital Programme.
- (4) That the expenditure of Parks Improvement funding be included in the Capital programme.
- (5) That the Saltwells Nature Reserve Wardens' Base project be approved and included in the Capital Programme.

- (6) That the works to Ryemarket and Pool Road Multi-Storey Car Parks be approved and included in the Capital Programme.
 - (7) That the Tackling Roadside Nitrogen Dioxide budget be increased by £27,000 to reflect previous Department for Environment Food and Rural Affairs (DEFRA) Air Quality funding.
 - (8) That the 2019/20 Schools Condition allocation be noted, and the associated expenditure, together with expenditure to be funded from any future Schools Condition allocations, be included in the Capital Programme.
 - (9) That the urgent amendments to the Capital Programme be noted.
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26 **Member Officer Charter**

A report of the Cabinet was submitted.

It was moved by Councillor P Harley, seconded by Councillor D Vickers and

Resolved

- (1) That the revised Member Officer Charter be adopted on a pilot basis subject to consideration as part of the Annual Review of the Constitution.
 - (2) That, subject to the above, the Member Officer Charter be incorporated in the Constitution to replace the former Protocol on Member/Officer Relations.
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27 **Food and Feed Service Plan 2019/20**

A report of the Cabinet was submitted.

It was moved by Councillor N Barlow, seconded by Councillor D Vickers and

Resolved

That the Food and Feed Service Plan 2019/20 be approved and adopted.

28 **Proposed Changes to the Structure and Governance of the Children's Corporate Parenting Board**

A report of the Cabinet was submitted.

It was moved by Councillor R Buttery, seconded by Councillor D Vickers and

Resolved

- (1) That the establishment and structure of the Children's Corporate Parenting Board as a formal Committee of the Council be approved.
 - (2) That the Corporate Parenting Board comprise 12 Elected Members (six from each Political Group).
 - (3) That the terms of reference and governance arrangements be approved for inclusion in the Constitution.
 - (4) That two programmed meetings of the Children's Corporate Parenting Board be held each year.
 - (5) That meetings of the Children's Corporate Parenting Board for the 2019/20 municipal year be programmed at 4.00pm on 2nd September, 2019 and 25th March, 2020.
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29 **Notices of Motion**

(a) **European Union (EU)**

Pursuant to Council Procedure Rule 12, Councillor J Roberts had given notice of a motion on 10th December, 2018.

The motion was moved by Councillor J Roberts and seconded by Councillor D Vickers.

Following a debate, Councillor J Roberts exercised his right of reply pursuant to Council Procedure Rule 14.9. The motion was put to the vote and it was:-

Resolved

That this Council recognises that the citizens of Dudley voted to leave the EU in 2016 in what they were told would be a once-in-a-generation referendum and that further in the 2017 General Election, 94% of voters voted for parties with a manifesto commitment to honour the referendum result, including ending free movement and membership of the single market and customs union.

The Council further, therefore, re-affirms its commitment to work towards getting the best possible Brexit deal for Dudley, including ensuring that any powers and funding coming back from Brussels is devolved straight down to a region and borough level. The Council also confirms its opposition to a second referendum which would be seen to be a divisive step and damage democracy in Dudley and across the whole United Kingdom by writing to Her Majesty's Government setting out this Council's opposition to such a measure.

Under the provisions of Council Procedure Rule 16.4, the voting on the motion was recorded as follows:-

For (35)

Councillors N Barlow, I Bevan, P Bradley, R Burston, R Buttery, B Challenor, S Clark, J Cooper, C Elcock, M Evans, A Goddard, S Greenaway, D Harley, P Harley, A Hopwood, L Jones, I Kettle, S Keasey, E Lawrence, P Lee, A Lees, K Lewis, P Miller, A Millward, C Neale, S Phipps, N Richards, J Roberts, M Rogers, K Shakespeare, D Stanley, A Taylor, L Taylor, D Vickers and T Westwood.

Not Voting (35)

Councillors A Ahmed, K Ahmed, R Ahmed, S Ali, A Aston, M Aston, M Attwood, J Baines, C Barnett, C Bayton, H Bills, R Body, K Casey, B Cotterill, J Cowell, S Craigie, T Crumpton, P Drake, A Finch, K Finch, J Foster, B Gentle, M Hanif, Z Islam, P Lowe, J Martin, S Mughal, G Partridge, C Perks, S Ridley, P Sahota, E Taylor, D Tyler, V Wale and Q Zada.

(b) Ban on the Sale and Use of Sky Lanterns

Pursuant to Council Procedure Rule 12, Councillor A Aston had given notice of a motion on 13th January, 2019.

The motion was moved by Councillor A Aston and seconded by Councillor J Foster.

During the debate a closure motion pursuant to Council Procedure Rule 14.11 was moved by Councillor A Millward and seconded by Councillor D Vickers, to the effect that 'the question be now put'.

In accordance with Council Procedure Rule 14.11(b) the Mayor, being of the opinion that the original motion had been sufficiently discussed, put the closure motion to the vote and it was:-

Resolved

That the question be now put.

Pursuant to Council Procedure Rule 14.9, Councillor A Aston was given his right of reply to the debate on the original motion.

The original motion was put to the meeting and it was:-

Resolved

That this Council recognises the environmental hazards caused by sky lanterns and therefore resolves to ban the sale and use of sky lanterns on any of its property or premises.

In addition, this Council resolves to make representations to the Government in respect of sky lanterns (often referred to as Chinese Lanterns) calling for changes to legislation to make the sale and use of such products unlawful.

The Mayor indicated that, pursuant to Council Procedure Rule 12.5, the 30 minutes allowed to deal with all notices of motion had expired.

The other remaining motions on the agenda would therefore stand referred to the next ordinary meeting of the Council. The notices of motion would be included in the summons for that meeting in accordance with Council Procedure Rule 12.2.

30 **Questions under Council Procedure Rule 11**

No written questions had been submitted in advance of the meeting.

Questions to the Leader and Cabinet Members

The Cabinet Member for Children and Young People (Councillor R Buttery) responded to questions from Councillor E Taylor regarding Netherton Park Nursery.

The Leader of the Council (Councillor P Harley) responded to a question from Councillor A Ahmed concerning the review of green spaces in the Borough.

The Cabinet Member for West Midlands Combined Authority (Councillor A Lees) responded to questions from Councillor C Bayton concerning the role, activities and decision making-powers associated with this new Cabinet Portfolio.

The Cabinet Member for Children and Young People (Councillor R Buttery) responded to a question from Councillor S Ridney in relation to the timescales associated with the development of a new Leisure Centre in Dudley.

The Cabinet Member for Procurement, Transformation and Commercialisation (Councillor S Phipps) responded to a question from Councillor B Gentle concerning the Community Wealth Building Commission.

The Cabinet Member for Children and Young People (Councillor R Buttery) responded to a question from Councillor J Cooper concerning the invitation extended to Members of Dudley Youth Council to attend the Children's Services Scrutiny Committee.

The Cabinet Member for Procurement, Transformation and Commercialisation (Councillor S Phipps) responded to questions from Councillor J Foster regarding Dudley Council Plus, in particular Councillor Contact and a review of the corporate customer feedback, compliments and complaints system.

The Leader of the Council (Councillor P Harley) responded to a question from Councillor K Casey concerning the need for senior elected member representation at West Midlands Combined Authority meetings to ensure a fair deal for Dudley.

The meeting ended at 7.25pm

MAYOR

Meeting of the Council – 7th October, 2019

Report of the Cabinet

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.

Recommendations

3. The Council is recommended:
 - That current progress with the most significant capital schemes, as set out in Appendix A, be noted.
 - That the Boundary Signage project be approved and included in the Capital Programme, as set out in paragraph 6.
 - That subject to grant funding being confirmed, £2.33m of expenditure relating to the Very Light Rail Test Track 2 be included in the Capital Programme, and that pending such confirmation expenditure up to £250,000 be authorised “at risk”, as set out in paragraph 7.
 - That the capital budget for the Leisure Centre replacement and refurbishment project be increased, as set out in paragraph 8.
 - That the urgent amendments to the Capital Programme, as set out in paragraphs 9 and 10, be noted.

Background

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

	2019/20	2020/21	2021/22
	£'000	£'000	£'000
Public Sector Housing	40,857	42,421	38,427
Private Sector Housing	12,875	350	350
Environment	12,887	8,652	3,000
Transport	10,788	4,816	2,373
Regeneration	9,511	5,766	4,074
Cultural	4,398	14,500	6,755
Schools	25,910	7,975	0
Social Care, Health and Well Being	1,537	0	0
Chief Executive's	968	818	519
Total spend	119,731	85,298	55,498
Revenue	6,140	5,036	5,936
Major Repairs Reserve (Housing)	23,431	23,900	24,378
Capital receipts	26,489	18,341	9,589
Grants and contributions	23,731	10,511	153
Capital Financing Requirement	39,940	27,510	15,442
Total funding	119,731	85,298	55,498

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

5. 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.

Environment

6. Boundary Signage

A number of highway boundary signs across Dudley borough are outdated and in need of replacement. Twenty prime locations have initially been identified for new signage. The estimated cost of the signs including installation, the removal and disposal of old signs and all traffic management costs is £53,000. This will initially be financed by prudential borrowing, which will be repaid over 2 years from advertising space sold on the signs, generated on a commercial basis. After that the income will support the Council's mainstream budgets as a spend to save project.

It is proposed that the project be approved and included in the Capital Programme.

Regeneration

7. Very Light Rail (VLR) Test Track 2

The Council is currently in discussion with Coventry City Council (CCC) in relation to a second, specialist test track incorporating a tight turning circle for the testing of their new engine in research and development phase as part of the Coventry VLR programme.

It is envisaged that this track (TT2) will be built at the Dudley MBC VLR site as part of the National Innovation Centre (NIC) Building construction phase and will be an integral part of the NIC operations once Coventry have finished with the testing of their new engine (approximately 3 year timeframe).

In order for this to happen in line with the Coventry VLR and associated Transport and Works Act Order (TWAO) programme and the NIC programme, the work to complete the design, procurement and delivery on site of TT2 is going to be passed over to Dudley Council's project team.

The total works value, inclusive of research and development costs and fees is in the order of £5.76m and it is likely that £2.33m of this will be subject to work undertaken by the Council team. The works need to be completed on site by the end of December 2020 to allow for an element of engine / track testing prior to Coventry's application for a TWAO in the summer of 2021 for their proposed VLR project. Further details and responsibilities are being developed between the Council and CCC.

CCC expect to have relevant funding (West Midlands Combined Authority grant to CCC as part of the wider CCC VLR project) and governance sign off in October 2019 but some work needs to be undertaken in advance of this. A draft Memorandum of Understanding (MoU) is being negotiated between the Council and CCC to cover work at risk pending the final formal agreement.

It is proposed that subject to grant funding being confirmed the full £2.33m of capital expenditure be included in the Capital Programme, and that pending such confirmation expenditure up to £250,000 be authorised "at risk". This would be in addition to expenditure that has already been incurred or approved to be incurred at risk in relation to Test Track 1 and the Innovation Centre.

Cultural

8. Leisure Centres

The Capital Programme currently includes £24.5m for the provision of a new Leisure Centre in Dudley and refurbishment of the existing centres in Halesowen and Stourbridge.

The creation of a new leisure centre in Dudley and the refurbishment of Halesowen and Crystal leisure centres demonstrates a significant investment in the wider regeneration of the borough by the Council and coincides with regional preparations for the Commonwealth games in anticipation of increasing demand for good quality modern sport and leisure facilities. The Leisure Centres project retains Council leisure centres in each of the existing areas of Dudley, Halesowen and Stourbridge.

Following Alliance Leisure, the Council's Development Partner, presenting enhanced design and costings to Corporate Board, Cabinet Summit and Informal Cabinet throughout June and July, approval was given to progress the planning application and detailed design of the Dudley Leisure Centre through to completion of Royal Institute of British Architects (RIBA) Stage 4. Alliance Leisure will be presenting the Council with a detailed enabling works cost plan at the end of August in order to commence works and allow for payment of fees to Statutory Authorities to prepare the site for the potential commencement of works at Flood Street from March 2020; completion being scheduled for summer 2021. Work will be coordinated with other Town Centre regeneration projects to take advantage of the Midland Metro extension from Wednesday to Brierley Hill. The new leisure centre will be adjacent to one of the new metro stops allowing greater transport connectivity for visitors.

Further consideration of the programme phasing for refurbishing both Halesowen and Crystal Leisure Centre is taking place, this may see Halesowen completed ahead of Crystal and will consider the merits of a temporary closure to accelerate works compared to a phased approach in order to keep parts of the centre open throughout refurbishment work. The importance of maintaining open pool access for swimming lessons is recognised for those centres being refurbished, the existing Dudley Leisure Centre will remain open until services can be switched to the new build centre on the Flood Street site.

The latest total forecast cost for the works at the 3 sites is now £31.3m. Although the brief for the new Dudley Leisure Centre is still for a Sport England Option D model with an additional studio and café, the design has been enhanced to ensure that the scheme meets planning requirements and the borough's design quality aspiration for new build regeneration projects. This has resulted in enhanced cladding and brickwork, a feature entrance and enhanced glazing and lighting being included in the revised design. As the project has evolved and surveys of the proposed site have been carried out, more information is now available regarding the Flood Street site and additional costs can be attributed to service diversions which need to be carried out but were not allowed for in the original budget costs. In addition to the increased costs at Dudley, the budget costs at all three centres were based on a timeline of carrying out detailed design work in June 2018. Build cost inflation accounts for a significant amount of the increase in costs.

The increase in costs will be funded by prudential borrowing, and the resulting increase in debt charges will need to be reflected in the Medium Term Financial Strategy. It is proposed that the capital budget for the scheme is increased accordingly.

Urgent Amendments to the Capital Programme

9. Very Light Rail National Innovation Centre and Test Track - Advance of Fees

As previously reported to the Cabinet, this project will create a world class research and development centre focused on the creation of innovative very light rail vehicles. Working in partnership with Warwick Manufacturing Group (Warwick University), other higher education bodies, transport suppliers and neighbouring local authorities, the centre will lead on the development of the vehicles associated infrastructure. Phase 1 of the project will see delivery of the innovation centre and test track facility.

It was estimated that the existing approval included in the Capital Programme for Phase 1 of the project would be spent by the end of April 2019. As such, an additional approval was required for the period June 2019 – September 2019, estimated to be £225,000. In order that works could progress a decision (ref. CEX/09/2019) was therefore made by the Leader of the Council and the Cabinet Member for Regeneration and Enterprise, in consultation with the Chief Officer Finance and Legal Services, and Strategic Director Place on 27th June 2019 to approve a further £225,000 expenditure for fees in advance of Local Enterprise Partnership (LEP) and European Regional Development Fund (ERDF) funding.

10. Wednesbury to Brierley Hill Metro Extension - Associated Costs

The line of the Wednesbury to Brierley Hill Metro extension (WBHE) was agreed in 2005 at which time the Council entered into a legal agreement with Centro to support the delivery of the scheme. The legal agreement is still binding. The legal agreement states that the Council will fund the Complementary Measures along the route including pedestrian crossings. At today's prices the commitment made in 2005 equates to £3m.

A section of the Metro will be built in the Dudley Town Centre Conservation area and therefore in order to ensure the urban realm is appropriate in style and quality it has been agreed at the Metro WBHE Board that the Council will fund the uplift in material in this area. Working with Midland Metro Alliance (MMA)'s Urban Design team the Council has identified other public realm interventions which are required along the Metro corridor.

The total cost of these capital works is estimated to be £9.109m. The current spend profile is: 2019/20 £0.050m; 2020/21 £1.087m; 2021/22 £3.435m; 2022/23 £4.168m and 2023/24 £0.369m. Whilst other sources of funding (including Integrated Transport Block) will be sought to fund these works, it is currently assumed that these works will be funded by prudential borrowing.

Given the spend profile detailed above, based on a debt repayment period of 25 years, the annual debt repayments are estimated to be: 2020/21 £3,000; 2021/22 £58,000; 2022/23 £233,000; 2023/24 £446,000 and 2024/25 onwards £465,000. The above debt repayments will be built into the Council's revenue budget through the Medium Term Financial Strategy process. In addition to the above, it is estimated that the annual cost of maintaining these assets will be approximately £250,000. This is currently estimated to be required from financial year 2023/24 onwards.

The costs identified above may be funded from surpluses generated by the Enterprise Zone.

In addition to these works, the Council is also negotiating with West Midlands Combined Authority to the transfer of land required for the Metro with the value of £3million.

To enable timescales associated with the necessary Legal Agreement between the Council and WMCA to be completed a decision (ref. PLA/29/2019) was made by the Leader of the Council, the Cabinet Member for Regeneration and Enterprise and the Cabinet Member for the WMCA, in consultation with the Chief Officer Finance and Legal Services and Strategic Director Place on 5th August 2019 to agree to fund the works associated with the delivery of the Wednesbury to Brierley Hill Metro Extension and to include the expenditure in the capital programme, and to write to Transport for West Midlands (TfWM) and confirm that the Council will fund both the Complementary Measures and the Urban Realm Uplift costs before 2nd September in order that TfWM can instruct MMA to include these interventions in the works.

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 the Metro extension interventions and complementary measures, the purposes of many of the works are to improve the access and use of the Metro by all.
15. 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.

Organisational Development / Transformation

16. The proposals in this report do not have any direct organisational development / human resources implications.

Commercial / Procurement

17. The Boundary Signage project will generate advertising income on a commercial basis.
18. The Metro will realise many key benefits to the borough including:
 - Supporting our housing regeneration priorities through improved connectivity to areas of housing development opportunity;
 - Supporting economic regeneration by improving accessibility to major employment sites including Castle Hill; Dudley Town Centre; our emerging DY5 Enterprise Zone; the Merry Hill Centre; Brierley Hill Town Centre as well as improving access to key visitor attractions such as the Black Country Living Museum and Dudley Zoological Gardens;
 - Encouraging modal shift from private car by delivering a high quality and reliable public transport service;
 - Supporting an integrated transport network through providing seamless interchange.

Health, Wellbeing and Safety

19. With regard to the Metro extension, the importance of good quality public spaces on the wellbeing of people, including those with mental health issues is starting to be recognised. Evidence suggests that engaging in active travel and pleasant public realm can reduce levels of depression and anxiety, increase self-respect, self-worth and self-esteem. This is consistent with building stronger, safer and more resilient communities in line with the Dudley Vision and to protect our residents' physical, and emotional health for the future.
20. The Leisure Centre programme of work will ensure that Dudley offers quality leisure facilities with state-of-the-art gyms. The investment will support the health and well-being agenda as the Council recognises the important role that leisure plays in improving the health and well-being of communities. The centres will be accessible for all with a range of classes and facilities on offer. Competitive pricing will also be an essential element.



.....
Leader of the Council

Progress with Major Capital Schemes

Public Sector Housing

New Council Housing

Works commenced on site March 2017, completing in phases by 2019/20, for 130 new homes in a mixed tenure development at Middlepark Road, Russells Hall of which 42 will be new Council homes. All 42 Council homes are now completed and the private sale scheme will complete late Summer 2019.

Uplands Road – 6 affordable homes commenced, due for completion October/November 2019.

Stewarts Road – 14 affordable homes commenced on site end July – due for completion August 2020.

Portway Close – 8 affordable homes due to commence September – due for completion summer 2020.

Planning permission granted on Kinfare Rise (3 homes) and Worcester Road (10 homes).

Further schemes to be progressed to planning stage are under consideration:

The Broadway, Norton (10 bungalows);

Redfly Lane and Consort Crescent (9 homes);

Hinbrook Road (12 apartments and possibly 2 houses).

Other feasibility sites currently being investigated for both affordable homes and potential private sales.

A new development framework is being progressed for tender during September.

Private Sector Housing

Homes for Sale

This will deliver 59 homes for sale at market prices and 20 affordable homes (25% of the homes being developed) for rent by the Housing Revenue account (HRA).

Work has now completed at Wenlock Gate (Wrens Nest Road) – a development of 8 new homes with 4 for private sale (all 4 sold).

King William Street (Red House Mews) – 15 homes completed (13 private and 2 affordable). The remaining 5 homes are due for completion September. 5 sales plots are legally complete, and all 16 plots sold or reserved.

Mere Road (Mill Grange) – 4 homes handed over (all private). Ongoing completions for remaining plots throughout August to October 2019. 2 sales pots are legally complete. 10 out of 14 plots sold or reserved.

Beechwood Road (Castle Court) – 8 homes complete (all private). Ongoing completions for remaining plots throughout the year into January 2020. 2 sales plots legally complete, with all 25 plots sold or reserved.

Environment

Lister Road Depot Redevelopment

The project is being delivered in three distinct phases as follows.

Phase 1 – Demolition and new car parking area. Commenced and onsite, due for completion August 2019.

Phase 2 – Demolition, new vehicle storage buildings, welfare facilities, revised car parking and road layout. RIBA Stage 5 designs in progress, works due to commence October 2019, completion Spring 2020.

Phase 3 – Demolition and build of new accommodation block. Design works to RIBA stage 4 due to commence Autumn 2019, with works completion estimated to be late 2021.

Stevens Park, Quarry Bank

The Round 2 Heritage Lottery award was announced and the funding agreements signed at the end of January 2018. Work is proceeding on detailed designs in order to tender the contracts in Autumn 2019. Building work is due to be completed by the end of 2020 when the Emily Jordan Foundation is due to lease the building from the Council. It will be delivering horticultural training, cycle repairs and metal recycling for people with learning difficulties plus a community café.

There will also be new toilet facilities and improvements (subject to further funding bids) may include a new cycling hub supported by 'Wheels for All', a nationally recognised programme delivering a quality cycling activity providing fun and stimulating cycling for all children and adults with disabilities and differing needs.

Saltwells Nature Reserve Wardens' Base

Green Care and Corporate Landlord Services have had a number of meetings and conversations to agree the general design and location of the base, which already has planning approval, and to ensure the design is still fit for purpose. In addition to this it has been agreed that some of this project will be delivered by Green Care, such as any soft landscaping and the installation of any bike stands etc. as Green Care can deliver this in house which should help to keep the cost of this project down.

Corporate Landlord Services are currently negotiating with Western Power and South Staffs Water, in relation to the installation of utilities and are allocating resources to process the detailed design and project manage the scheme. Tender document preparation is currently underway and it is hoped that these, along with the final design, will be completed over the autumn period so the tender process can start early in the new year.

Transport

Street Lighting (Invest to Save)

Almost 4,400 street lighting lantern conversions to LED technology on main roads have been completed. This is approximately two thirds of the total works. The programme will continue to progress throughout 2019/20. In addition, over 500 lanterns have been purchased, ready to be installed over the next few months. New columns and lanterns will be programmed for installation during this year. In addition, external contractors have installed around 240 of over 370 12 metre columns forming part of this project.

Tackling Roadside Nitrogen Dioxide

Funding has been received from the Department for Environment, Food and Rural Affairs (DEFRA) to implement measures that will aim to improve air quality at key locations on the A461 and A491 corridors. The measures include the upgrading of a number of traffic signal installations with more efficient equipment that will assist in improving traffic flow on the Key Route Network. These capital improvements will be complemented by an upgrade in the bus fleet that serve these areas thereby reducing vehicle emissions and this element will be implemented by Transport for the West Midlands and bus operators. Work to upgrade the traffic signal equipment commenced on site on the A461 in July 2019 and is progressing well, with overall completion programmed for December 2019. Spend is forecast to be within budget.

Regeneration

Dudley Townscape Heritage Initiative

The Townscape Heritage (TH) programme is funded through the National Lottery Heritage Fund 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, which is operating with a grant budget of £1.178m from the HLF and £300,000 matchfunding from the Council, commenced in February 2017. It will run for 4 years and focuses on buildings in the town centre's historic core.

The work at 203/204 Wolverhampton Street has been completed. Grant offers have been confirmed for neighbouring properties at 208 and 209 Wolverhampton Street, but works will need to be re-tendered following the withdrawal of the contractor. Other projects identified as priorities within the bid include 204a Wolverhampton Street (tenders being analysed), 216 Wolverhampton Street (tenders being analysed) and 14 New Street (tender documents being finalised). These projects are being progressed with the private owners with a view to work starting on site this year. Other projects in discussion with owners include Fountain Arcade (amendments to planning approval being applied for) and Plaza Mall (tenders for work being sought) and these projects are progressing well. A further project is being discussed for the Crown, involving external work, and these proposals are being developed by their architect.

Activities are also being progressed and developed in conjunction with teams in Adult and Community Learning, Museums and Communications and Public Affairs, with events such as a maintenance training day held in June, Black Country Day in July, Heritage Open Day to be held in September and the continued development of the volunteer training programme. The Geological Trail has now been launched and is available in leaflet and webpage form and we continue to do reprints of the Heritage Architectural Trail. We are also liaising with Dudley College to facilitate training in conservation skills.

The TH programme is being progressed in line with the Action Plan.

Corbyn Road Extension

Revised tenders were received at the end of June, assessed for value for money and approval given for the successful contractor starting on site on the 12th August, The project is scheduled to complete at the end of January 2020.

Low Carbon Place Strategy

The council has been awarded approximately £2.5m European Regional Development Funding (ERDF) to deliver a project that will reduce carbon emissions. This a joint project between Housing and Corporate Landlord Services, that will reduce carbon emissions from 940 council owned homes as well as corporate buildings such as the Council House. £2.5m of match funding to be met from existing HRA budgets.

The first 70 Council homes are due to have new central heating systems and smart thermostats installed during August. The smart thermostats will link to a monitoring platform that will be used by the council's 'winter warmth' team to target behavioural advice. Potential faults with the heating system will also be highlighted, allowing for proactive scheduling of repairs.

Procurement documentation for the energy efficient retrofit of council buildings has been drafted. The intention is to appoint a contractor early in 2020 with works starting summer 2020.

Very Light Rail (VLR)

Track Works:

Two Very Light Rail test tracks are to be installed between Castle Hill Bridge and Cinder Bank with a test passenger platform located at the Cinder Bank end of the tracks. Full track length will be approximately 2km. The eastern track will be bedded on stone ballast and western track bedded on concrete track form system, the western track to form a later phase of work. The track route is on a disused Network Rail (NWR) freight track-way which is subject to a collaboration agreement with NWR who will also operate the test track. A planning application was submitted on 10th November 2017 and determined with reserved matters on 25th January 2018.

The track project is currently out to tender and due back mid-September 2019.

National Innovation Centre (NIC):

A planning application for the proposed new building for the Very Light Rail National Innovation Centre (VLRNIC), including a pedestrian foot bridge link to Tipton Road and links to future metro line, car parking, rail vehicle test track sidings and linking lines into the VLRNIC engineering hall was submitted on 12th December 2017 and determined with conditions to be discharged on 2nd March 2018.

Building regulations conditional notification was received on 22nd February 2018 and Conditional Approval received on 25th May 2018.

Phase 1 advance enabling site works and surveys commenced in December 2017 and are now complete albeit additional minor surveys may be undertaken if scheme design development dictates.

The Phase 1 main works (including Metro Retaining Wall, see below) are due to commence after contract award and are forecast to complete in Spring of 2021.

The funding of the VLR project is currently under review by the LEP and further detail will be reported to the next meeting of Cabinet.

Metro Retaining Wall

The West Midlands Combined Authority (WMCA) approved funding of £4,335,000 on 27th November 2017. It is estimated that this will be expended between November 2017 and May 2020.

The design works stage commenced in October 2017 and is currently under review based on recent changes made to the alignment of the new metro line and the Station Road Tram Stop. Approval of the revised design by the WMCA is now expected by the end of August 2019.

Tenders for the retaining wall have been received and are being evaluated. All tender sums are within the available budget and proposed timescale. An instruction for the works is planned to be issued by the end of August 2019.

The Metro Retaining Wall construction is due to commence at the end of September 2019 and is forecast to complete in Spring of 2020.

CCTV Control Room

Work to replace the public space CCTV cameras and relocate the control room from Sedgley to 8 Parsons Street in Dudley by early 2020 is on programme. Work to install network fibre is in progress and due to be complete by the end of August. The proposed control room space has now been vacated by temporarily relocating colleagues from the Youth Offending Service to 3 St. James's Rd. prior to a permanent move to the Switch building on Castle Street. CCTV Control Room will shortly be measured by the furniture company prior to off-site construction of essential control panel furniture for installation later in the work programme. Tenders for essential building work are due for return at the end of August, for a start on site at end of September and completion at the end of November 2019. WM Police have also been asked to comment on their priority locations which will enable the Council to consider the pros and cons of increasing the number of public space cameras across the borough.

Dudley Interchange

The Council has allocated £3m towards a total project cost of £18m. The remaining funding will be secured through a £10m contribution from the WMCA Transforming Cities Fund which has been approved and a potential £5m contribution from the Black Country LEP. The bid for the LEP funding is imminent and will be made by Transport for West Midlands (TfWM). Project co-ordination meetings are being held on a monthly basis with TfWM.

Former Dudley Museum and Enhancement to Dudley Town Hall Catering Provision

Following approval to proceed, design work to refurbish the former museum and provide new dining and bar facilities for Dudley Town Hall is in progress. Discussions with Historic England are in progress with a view to securing planning consent in December 2019. Detailed design will then commence prior to procurement of contractors with a view to starting works in March / April 2020. Works are then scheduled to complete around September / October 2020. Corporate Landlord Services took over the existing bar at the Town Hall in July and are successfully working with Hall management supporting a range of exciting engagements.

Cultural

Stourbridge Crematorium

Due to further delays in the design phase of the project, the upgrade of the cremators and enhancement works to the chapel will not commence now until early 2020. A start date for the project will be set over the coming months with spending forecast to be within budget.

Schools

Schools Basic Need Projects

The identification of the next phase of projects to be funded from Basic Need capital grant has been agreed, with Brierley Hill Township secondary school places as a priority. The plan is to expand both Wordsley and Crestwood Secondary Schools to meet projected growth by 2020 with an additional 300 pupil places for each school. Statutory consultations for the proposals has been carried out with satisfactory outcomes for both therefore we are moving forward with gaining Planning Permission and completing full design. To ensure that there is appropriate accommodation for additional pupils September 2019 there is the need to provide temporary mobile accommodation at Crestwood School.

Planning permission has been approved for both schemes and the drawings and specifications are being worked on ready to go out to tender.

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

Priority Schools Building Programme

As reported previously, the Council has received formal confirmation from the Education Skills Funding Agency (ESFA) of a revised grant allocation of £2,515,000 for the rebuild of the Key Stage 1 block at Huntingtree Primary School. The project has commenced on-site and is progressing well.

Special Educational Needs and Disability (SEND) Projects

We are in 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 having just undergone an Ofsted/Care Quality Commissioning (CQC) inspection into SEND in the local area our plans were shared with the inspection team. We want to take into account feedback on planned use of the funding before confirming projects.

Healthy Pupil Capital Fund

As reported previously, the Council has been allocated £226,000 from the Healthy Pupils Capital Fund (HPCF) to improve children's and young people's physical and mental health by improving and increasing availability to facilities for physical activity, healthy eating, mental health and wellbeing and medical conditions. Funding is provided from the Soft Drinks Industry Levy, also known as the "Sugar Tax".

Officers assessed options on how best to disseminate the funding with the integration of a deprivation factor across the maintained school estate to address areas with most need. Community, foundation and voluntary controlled schools were informed of the grant allocation and asked to apply to the Council for funding towards a project that they believe met the fund criteria.

Bids have now been assessed and following some small amendments all schools have been successful in their bids. The schools have now been informed that they need to move forward with their projects and on receipt of their paid invoices, the Client & Commissioning Team will arrange for their allocation to be transferred to them. Schools will be contacted in the Autumn Term for an update on progress.

Social Care, Health and Wellbeing

Social Care ICT

The Successor Programme is reaching the end of its design and build stage and is about to enter implementation. This will focus on business readiness and user acceptance testing before a period of cross-over activity and go-live into 2020. Plans are being confirmed for both Adults' and Children's services.

Meeting of the Council – 7th October, 2019

Report of the Audit and Standards Committee

Treasury Management

Purpose of Report

1. To outline treasury activity during the financial year 2018/19 and in the current financial year up to late August.

Recommendation

2. That the report be noted.

Background

3. The Treasury Management strategy for 2019/20 has been underpinned by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2017. The Code recommends that members are informed of Treasury Management activities at least twice a year. This report ensures that the Council is embracing best practice in accordance with CIPFA's recommendations.
4. Treasury Management entails the management of the Council's cash flows, its borrowings and investments, the management of the associated risks and the pursuit of the optimum performance or return consistent with those risks.
5. The Council undertakes treasury management activity on its own behalf and as administering authority for the West Midlands Debt Administration Fund (*WMDAF*). We are responsible for administering capital funding of approximately £768m on our own account and another £121m on behalf of other West Midlands councils in respect of the *WMDAF*. The treasury function is governed by the Council's Treasury Policy Statement and Treasury Management Practices.

Treasury activity in 2018/19 on the Dudley fund

6. Our treasury activities were undertaken in the context of the Treasury Strategy Statement 2018/19 approved by Audit and Standards Committee and Full Council in February 2018. The Strategy Statement stated:

“The primary factor in determining whether we undertake new long-term borrowing will be cash flow need. We will seek to minimise the time between borrowing and anticipated cash flow need, subject to the need to maintain day to day liquidity”

7. In 2018/19 our investments averaged around £33.6 million (with significant day to day variation as a result of cash flow). The average return on these investments was 0.61% (excluding the long term investment with Salford City Council, the average return was 0.45%). The majority of our investments were for less than one month or were in call accounts¹. All investments were placed with institutions that satisfied the criteria for credit-worthiness set out in the Treasury Strategy Statement 2018/19. Our investment activity for 2018/19 is set out in more detail in Appendix 1.
8. The average value of long-term borrowings in 2018/19 was £645.9 million. The average rate of interest on these borrowings was 3.50% (compared to 3.46% in 2017-18 due to the increase in bank base rates which affected the cost of market loans). The loans were due to mature on dates ranging from 2019 to 2061.
9. In 2018/19 we took out 6 long term market loans. The average value of these loans was £5.5m at an average rate of 1.1%, for an average duration of 23 months.
10. Due to cash flow requirements in 2018/19, it was necessary to undertake short term borrowing on 2 occasions, both for £5.0 million at an average rate of 0.85% for average duration of 6 days.

Treasury activity in 2018/19 on the WMDAF

11. It was necessary to undertake short term borrowing on 4 occasions for cashflow purposes, at an average value of £3.0million at 0.81% for an average duration of 110 days. We also made 3 investments in 2018/19 for the WMDAF for an average value of £3.0 million at 0.56% for 40 days.

Performance comparisons 2018/19

12. Our treasury management advisors Link Asset Services have compared our treasury performance with their other clients using borrowing and investment data at financial year end. The results are summarised in the table below:

¹ A call account is a deposit account with a financial institution without a fixed maturity date. The deposit can be "called" (withdrawn) at any time and deposits can also be made at any time. Call accounts and the specific terms associated with them differ depending upon the bank offering the account.

Performance Benchmarking

	Dudley	Client Average
Gross Borrowing (£M)	639.6	215.5
Investments (£M)	4.0	71.3
Net Borrowing (£M)	635.6	144.2
Gross average borrowing rate (the cost of borrowing, ignoring the return on investments)	3.47%	4.57%
Investment return rate (the return on investments, ignoring the cost of borrowing)	0.65%	0.84%
Net average borrowing rate (a combination of the above, representing the cost of borrowing net of the return on investments)	3.48%	6.41%

13. The data above is based on a snapshot of treasury portfolios at 31st March 2019 and includes long and short term borrowing and investments. Dudley's net cost of borrowing was substantially lower than the average of local authorities in the client group. This is partly because our ratio of gross to net borrowing is higher than other authorities who maintain larger levels of investments which are currently delivering very low yields.
14. It should be remembered that treasury performance measurement is not an exact science. These statistics represent the cumulative effect of decisions dating back over many years and the performance of other local authorities may have been achieved in circumstances different from our own.

Prudential indicators 2018/19

15. The 2003 Prudential Code for Capital Finance in Local Authorities sets out a framework for the consideration and approval of capital spending plans. In so doing, it requires the Council to set a number of prudential indicators, some of which concern matters of treasury management. Appendix 2 outlines those indicators for 2018/19.

Treasury activity 2019/20 to August

16. Treasury activities in the current year have been undertaken in the context of the Treasury Strategy Statement 2019/20 approved by Audit and Standards Committee and Council in February of this year. In that document we anticipated that long term borrowing would be required in the next 12 months due to cash flow need.

17. The Monetary Policy Committee (MPC) has maintained the bank base rate at 0.75% since August 2018. Their most recent inflation report indicated that the economy will slow in 2019/20 and the first estimate of the Gross Domestic Product (GDP) for the second quarter of 2019 indicated that it fell by 0.2%, possibly enhancing the chances of an interest rate cut.
18. Our investments up to the middle of August have averaged around £14.4 million (with significant day to day variation as a result of cash flow). The average return on these investments was 0.85% (excluding the Salford investment the average return is 0.48%). All investments were placed with institutions that satisfied the criteria for credit-worthiness set out in the Treasury Strategy Statement 2019/20. Our investment activity for 2019/20 is set out in more detail in Appendix 3.
19. The average value of long-term borrowings up to late August has been £620.1million. The average rate of interest on Dudley's loans is 3.51%. The maturity dates for the loans range from the current year to 2061. No new long term borrowing has so far been taken out in 2019-20 but for cashflow purposes we have taken out short term loans on 5 occasions with an average value of £5.5m at average rate of 0.73% for an average duration of 11 days.
20. We are monitoring interest rates and cash flow closely and continue to anticipate that some long term borrowing will be required before the financial year end, principally to replace existing loans as they mature.
21. On the WMDAF it has not been necessary to undertake any new borrowing in 2019-20 to date. We have made 1 investment on the WMDAF to date in 2019/20 with the Debt Management Office (DMO) for a value of £4.3m at a rate of 0.52% for 85 days.

Finance

22. Forecasts of performance against budget for treasury management activities are highly sensitive to movements in cash flow and interest rates.

Law

23. These matters are governed by Part IV of the Local Government and Housing Act 1989 and Section 111 of the Local Government Act 1972, which empowers the Council to do anything which is calculated to facilitate or is conducive or incidental to the discharge of its various statutory functions.

Equality Impact

24. The treasury management activities considered in this report have no direct impact on issues of equality.

Organisational Development/Transformation

25. There are no Organisational Development/human resources or Transformation implications associated with this report.

Commercial/Procurement

26. The over-riding purpose of the Council's Treasury Strategy is day to day cash management and not income generation. The strategy prioritises security and liquidity of cash investments over yield. Once those are met we aim to secure the maximum yield from our investments held with the small number of counterparties that meet the strict criteria laid out in our Annual Investment Strategy.

Health, Wellbeing and Safety

27. This report has no direct impact on the Health, Wellbeing and Safety of the Borough's citizens.



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Chair of the Audit and Standards Committee

Investment Activity 2018/19

Counterparty name	Number of investments	Average value £ million	Average rate %	Average duration (days)
Debt Management Office	146	22.54	0.44	18
Santander	N/A	2.81	0.40	Call Account
Bank of Scotland	N/A	4.81	0.57	Call Account
HSBC	N/A	2.91	0.36	Call Account
Salford MDC*	1	0.50	11.25	Matures in 2020

* This is a fixed term deposit of £500,000.00 with Salford MDC at an interest rate of 11.25% that was made in 1985 and is due to mature in 2020.

Prudential indicators relating to treasury management 2018/19**External debt**

These indicators are intended to ensure that levels of external borrowing are affordable, prudent and sustainable. The authorised limit for external debt is a statutory limit (section 3 of the Local Government Act 2003) that should not be breached under any circumstances. The operational boundary is a lower threshold allowing for a prudent but not worst case scenario for cash flow.

	£m
Authorised limit for external borrowing	1,067
Operational boundary for external borrowing	895
Outturn - actual external borrowing	822

Interest rate exposures and maturity structure of borrowing and investments

These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates.

	Indicator	Outturn
Upper limit for fixed interest rate exposure	100%	98.36%
Upper limit for variable rate exposure	10%	1.64%
Upper limit of principal maturing in any one year for sums invested for over 364 days	£10m	Nil
Maturity structure of fixed rate borrowing:-		
under 12 months	0-10%	9.52%
12 months and within 24 months	0-10%	8.25%
24 months and within 5 years	0-15%	11.97%
5 years and within 10 years	0-25%	11.08%
10 years and above	40-100%	59.18%

Appendix 3

Investment Activity 2019/20 to August

Counterparty name	Number of investments	Average value £ million	Average rate %	Average duration (days)
Debt Management Office	37	7.97	0.47	9
Santander	N/A	0.03	0.40	Call Account
Bank of Scotland	N/A	1.92	0.65	Call Account
HSBC	N/A	3.99	0.41	Call Account
Salford MDC*	1	0.50	11.25	Matures in 2020

* This is a fixed term deposit of £500,000.00 with Salford MDC at an interest rate of 11.25% that was made in 1985 and is due to mature in 2020.

Meeting of the Council – 7th October, 2019

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

Appointment of Independent Person – Member Complaints and Standards Matters

Purpose

1. To confirm the appointment of an Independent Person to assist the Monitoring Officer in dealing with complaints and related standards matters under the provisions of the Localism Act 2011.

Recommendation

2. That Revd Adam Hadley be appointed as the Independent Person for the period ending with the annual meeting of the Council in May, 2023.

Background

3. Under the Localism Act 2011, the Council is required to appoint an Independent Person (or Persons) to assist the Monitoring Officer in dealing with complaints and related standards matters.
4. The role of the Independent Person is to assist the Council in promoting high standards of conduct by Councillors and Co-opted Members. The Independent Person will be consulted on decisions to investigate complaints and before a decision is made on any investigated complaints. He/she may be consulted on other standards matters.
4. On 18th May, 2017, the Council appointed the Bishop of Dudley (Rt Revd Graham Usher) as the Independent Person for a four year period ending with the annual meeting of the Council in May, 2021. The Council will be aware that Bishop Graham has been announced as the next Bishop of Norwich and his election was confirmed in June, 2019.
5. The Lead for Law and Governance has delegated powers to recommend the Council on the appointment of Independent Person(s) required under the Localism Act 2011 and any relevant Regulations. Following the advertisement of the position, it is recommended that Revd Adam Hadley be appointed for the period ending with the annual meeting of the Council in May, 2023.

Finance

6. There is no salary for this position. Any reasonable travel and subsistence expenses incurred by the Independent Person in carrying out their duties are reimbursed. Provision is made within existing budgets.

Law

7. Complaints about Councillors and Co-opted Members are dealt with under the Localism Act 2011. The Act provides that the Council must appoint an Independent Person to assist in discharging these responsibilities.
8. The Independent Person must not:
 - Have been a Member or Officer of the Council during the past five years.
 - Be related to, or a close friend of, any Member or Officer of the Council.
 - Be an Officer or Member of any other relevant authority (this includes parish, district, county and unitary councils and Police and Fire Authorities).
 - Be actively engaged in local party political activity.
9. The Council's standards arrangements are set out in Part 6 of the Constitution. The Constitution was adopted pursuant to the Local Government Act 2000.

Equality Impact

10. The standards arrangements reflect duties in the Equality Act 2010. The Members' Code of Conduct includes behaving in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures.
11. The process for appointing the Independent Person is undertaken with regard to policies on equality and diversity. There has been no consultation or involvement of children and young people in developing this report.

Organisational Development/Transformation

12. The Council's obligations and duties relating to standards are discharged from within the staffing resources available to the Monitoring Officer.

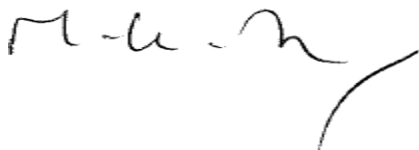
Commercial/Procurement

13. There is no impact on the potential to commercially trade or a positive / negative impact on our customer base.



Health, Wellbeing and Safety

14. The Members' Code of Conduct refers to championing the needs of residents and the community and putting their interests first. This includes considering the impact of specific proposals on the health, wellbeing and safety of the Borough's citizens.



**Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)**

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List of Background Documents

The Council's Constitution – Part 6 (Standards Arrangements)
Report and Minutes of the Annual Meeting of the Council – 18th May 2017

