

SELECT COMMITTEE
ON REGENERATION, CULTURE AND
ADULT EDUCATION

Monday, 26th October, 2009, at 6.00 pm
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor P Harley (Chairman)
Councillors Barlow, Caunt, Mrs Coulter, GH Davies, Kettle, Knowles,
Lowe, Ms Partridge, K Turner and Woodall.

Officers

Assistant Director, Housing Strategy and Private Sector (Lead Officer to the Committee), Assistant Director Economic Regeneration, Head of Economic Regeneration Delivery, Strategic Regeneration Manager and Head of Planning (all Directorate of the Urban Environment); Assistant Director of Libraries, Archives and Adult Learning (Directorate of Adult, Community and Housing Services); Interim Assistant Director Financial Services and Corporate Finance (Directorate of Finance ICT and Procurement); Project Manager, Healthy Towns and Mr J Jablonski (Directorate of Law, Property and Human Resources).

Seven members of the public were also in attendance.

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APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Mottram and Perry.

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SUBSTITUTE MEMBERS

It was reported that Councillors Mrs Coulter and Kettle had been appointed as substitute members for Councillors Mottram and Perry respectively for this meeting of the Committee only.

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DECLARATIONS OF INTEREST

Councillor Knowles declared a personal interest in accordance with the Members' Code of Conduct in respect of Agenda Item 6 – Small Business Engagement Accord – in that he is a retired member of the Federation of Small Businesses.

Councillor K Turner declared a personal interest, in accordance with the Members' Code of Conduct in Agenda Item 6 – Small Business Engagement Accord – in that there was reference in the report submitted to the Castle Hill Development and he is a Trustee of Dudley Zoological Gardens.

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MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 7th September, 2009, be approved as a correct record and signed.

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PUBLIC FORUM

Members of the public present raised the following points:-

- a) Given comments made at the previous meeting of the Committee regarding the proposed swimming facilities at Bilston clarification as to the position regarding this facility was requested and in response the Chairman undertook to discuss this matter with relevant officers in the Directorate of the Urban Environment and arrange for the questioner to receive a written response.
 - b) Regarding a comment as to why Coseley was not mentioned on the cover of a publication entitled "Together" and whether there was the possibility that the Coseley East Ward would be absorbed into the area of Wolverhampton City Council for Local Government purposes, it was commented upon that Coseley was not the only township that did not feature on the cover of this publication and examples of other such townships were given.
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SMALL BUSINESS ENGAGEMENT ACCORD

A report of the Director of the Urban Environment was submitted on the Small Business Engagement Accord. The report submitted set out fourteen principles that signatories of the Accord agreed to adhere to.

Arising from the presentation given of the report submitted it was noted that a meeting would be held during November with the Federation of Small Businesses to further discuss the implications of signing up to the Accord as some issues would have resource implications.

Following such further consideration a recommendation would be made to the Cabinet Member for Regeneration on the adoption of the Small Business Engagement Accord.

Members welcomed the report and in so doing considered that the Accord Principles were already being adhered to.

RESOLVED

- 1 That the information contained in the report submitted on the Small Business Engagement Accord be noted and endorsed.
- 2 That a further report be submitted to a future meeting of the Committee on the impact of the Small Business Engagement Accord and that accordingly this matter be included as an item in the Committee's work programme for 2010/11.

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UPDATE OF THE COUNCIL'S CAPITAL STRATEGY

A report of the Interim Director of Finance was submitted on an update of the Council's Capital Strategy. A copy of the draft Capital Strategy 2010-2015 was attached as an Appendix to the report submitted.

Arising from consideration of the report, and Appendix to the report, submitted Members queried audit arrangements in respect of the allocation of supported capital expenditure and the delivery of schemes in line with that allocation and the detail contained in paragraph 37 of the draft Capital Strategy regarding links to partners.

With regard to the former comments made the Interim Assistant Director of Financial Services and Corporate Finance undertook to write to the Member concerned in response to his query. The latter detail would be updated.

RESOLVED

That the information contained in the report, and Appendix to the report, submitted on the update of the Council's Capital Strategy be noted and the Cabinet informed that there were no issues that this Select Committee wished to be taken into account when the Strategy was considered by full Council.

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IMPLEMENTATION OF HEALTHY TOWNS PROGRAMME

Dean Hill, Project Manager, Healthy Towns, gave a presentation outlining the Healthy Towns Project and updating the Committee on the implementation of the project.

Particular mention was made of Dudley's programme arising from the £4.5 million awarded to tackle obesity and the way in which this would be done by the introduction of Healthy Hubs, Active Travel Corridors and Service Reform.

The hub sites had been identified, one for each Area Committee area, as Huntingtree Park, Mary Stevens Park, Netherton Park, Silver Jubilee Park and the Dell and Fens Pool. Specific details were given of the Huntingtree Park proposals with plans and diagrams of what was proposed.

Regarding hub timescales it was proposed that park improvement works would commence on all five sites in February 2010 with hub building works commencing in November 2009 at Mary Stevens Park and at various other dates through to April 2010 in respect of the other sites. Details in respect of proposals for the Active Travel Corridors were also given involving image boards, sign ideas, surface treatments and variable message signs. The consultation period in respect of these matters extended from October 2009 in respect of Mary Stevens Park through to January 2010 in respect of the Dell/Fens Pool. Issues in respect of service reform principally regarding parks staff and activities were also outlined.

A copy of the presentation given would be forwarded to Members of the Committee in due course.

Arising from the presentation given Members asked a number of questions and raised queries relating in particular to:

- The involvement of the police in patrolling the hub sites and in response it was noted that meetings would be held with the police to discuss various issues.
- Concerns raised by a number of members representing various Wards at the failure to fully involve them and keep them informed in respect of proposals regarding the healthy towns initiative. Concerns were also raised at aspects of the Huntingtree Park proposals.

In response the process by which consultation had been carried out, with particular reference to Huntingtree Park, was outlined.

It was noted that there had been a variable response to consultations held.

In response to a request from a Member, it was agreed that information on attendees at a consultation meeting, supplied by the Project Manager to a Member, also be made available to her.

- Queries as to why Mary Stevens Park had been chosen as the site of a health hub.

In response the high usage of Mary Stevens Park was cited and the background to the initiative outlined in that its focus was not deprivation rather it was the tackling of obesity.

Consultation on this site was being carried out and would be reported to Stourbridge Area Committee.

Arising from consideration of the points made, in particular the concerns expressed by a number of members on the lack of involvement and communication regarding the healthy towns initiative it was:

RESOLVED

- 1 That the Lead Officer to the Committee be requested to arrange a meeting involving the Chairman of this Committee, Councillor K Turner and appropriate officers from the Council and Dudley NHS Primary Care Trust to discuss the concerns raised at the meeting.
- 2 That, following the meeting referred at resolution 1 above, a special meeting of this Committee be arranged to scrutinise the process and implementation of the Healthy Towns Initiative.

REVIEW OF THE COMMUNITY STRATEGY

A report of the Chief Executive was submitted on the Dudley Borough Challenge Review – 2009/2012 Consultation draft 2009 a copy of which had been separately circulated to Members. Attached as Appendix 2 to the report submitted were details of Headline Achievements since the 2005 Community Strategy relating to the terms of reference of this Committee.

In the presentation given of the content of the report, and Appendices to the report, submitted it was noted that a final draft would be submitted to Cabinet for approval on 9th December, 2009 and that following this Council would be asked to approve the document on 22nd February, 2010. A public launch of the Strategy in March, 2010 was also proposed.

RESOLVED

That the information contained in the report, and Appendices to the report, submitted on the review of the Community Strategy, be noted.

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UPDATE ON THE MODERNISATION OF THE LIBRARY SERVICE

A report of the Director of Adult, Community and Housing Services was submitted updating the Committee on the Modernisation programme for Dudley Library Service.

Following a presentation by the Assistant Director for Libraries, Archives and Adult Education a number of points and comments were made relating in particular to: -

- Difficulties some residents had in accessing services and in response to this the Assistant Director asked that Members inform her of any particular cases so that as appropriate the persons concerned could join the Home Library Service.
- Arising from a number of issues raised in respect of Halesowen Library the Assistant Director undertook to investigate whether a response had been sent to the letter referred to by Councillor Woodall and, following such investigation, she would take the appropriate action. She would also look into the points made regarding staff at the Library.
- Difficulties referred to at the Woodside Library Link in relation to accessing of books by children when the computer was in use; difficulties with the ramp from the car park and difficulties using a pushchair/buggy given issues with space at the site, the Assistant Director undertook to look into the points raised.

RESOLVED

That the information contained in the report, Appendix 1 to the report, and as reported at the meeting, on the progress to date of the Library Modernisation Programme, be noted.

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TOWN CENTRES REGENERATION UPDATE

A report of the Director of the Urban Environment was submitted updating the Committee on progress to date in relation to the regeneration of the Borough's four Principal Town Centres.

Arising from the presentation given on the content of the report submitted Members made a number of comments and raised queries in relation to various matters referred to with particular reference to the updating of the Joint Core Strategy; the position regarding Stone Street Square; the need for signage in relation to Council developments; the position arising from the recent decision of the House of Fraser to close their store in Churchill Precinct in the new year; the position regarding the Churchill Mural formerly located in Churchill Precinct and the need for Halesowen town centre as a whole to be considered.

In response to certain of the matters raised it was noted that the Joint Core Strategy would be reported on at the special meeting of the Cabinet to be held on 18th November, 2009; that appropriate signage regarding Council developments would be erected once timescales were known and projects could go forward and in this connection the former Crown Public House site, to be the headquarters of New Heritage Regeneration Limited would shortly have such signage and in respect of the House of Fraser decision it was reported that the Council were making the Company aware of the scale of investment that would be coming to Dudley and related factors and a request was made that the Committee be kept informed of the discussions being held with that company.

As regards the Churchill Mural the Head of Economic Regeneration Delivery undertook to look into this matter and write to Councillor Woodall direct.

RESOLVED

That the information contained in the report submitted, on the significant progress made in regenerating the Borough's principal four town centres, be noted.

PROGRESS REPORT ON REGENERATION OF THE SIXTEEN LOCAL AND DISTRICT CENTRES

A report of the Director of the Urban Environment was submitted updating the Committee on progress in the regeneration of the Borough's sixteen local and district centres.

Arising from the presentation given of the content of the report submitted particular comments were made regarding the Cradley/Windmill Hill area of the Borough, the reference to Sedgley in the final bullet points of paragraph 17 of the report submitted and to issues in respect of traffic and traffic pollution and the proposals of the Council to combat this.

In relation to the first point raised reference was made to a decision of Halesowen Area Committee held on 3rd September, 2009, when it was agreed that a letter be sent to the Chairman of this Committee to ensure that the Select Committee were aware of the support of Halesowen Area Committee for the regeneration of the land between Two Gates and Toys Lane and for the provision of the LIFT facility in that area or in Colley Gate generally. A request was also made that the Cabinet Member for Regeneration attend a meeting of the Halesowen Area Committee Cradley/Windmill Hill Regeneration Working Group. The Member concerned would receive a response to points raised.

In relation to Sedgley a Member queried the information given in the report and considered that the problems in Sedgley related to traffic congestion and air pollution. It was considered that a solution to these issues had not yet been identified. The Assistant Director Economic Regeneration undertook to investigate these matters further and report back direct to the Member concerned.

Regarding issues of traffic and pollution raised it was considered that these issues were of a long standing nature but that the Council and its Officers would continue to look at those issues and take the most appropriate measures within the available financial resources.

RESOLVED

That the information contained in the report, and as reported at the meeting, on the significant progress made in regenerating the district and local centres of the Borough since additional resources were allocated in 2005/06, be noted and that support be given to the growth of resources to deliver the Council's aspirations in the district and local centres.

QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8

In response to questions raised by Councillor Ms Partridge under Council Procedure Rule 11.8 the Chairman gave the following responses to those questions, as follows

In relation to Section 215 of the Town and Country Planning Act 1990

- 1 What powers does this Section give?

The Act reads: -

- “(1) If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.

- (2) The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified.
- (3) Subject to the following provisions of this Chapter, the notice shall take effect at the end of such period as may be specified in the notice.
- (4) That period shall not be less than 28 days after the service of the notice.”

Over time guidance and case law have assisted in interpretation of the wording of the Act. Such as:

- Local Planning Authorities cannot require the ongoing maintenance of the land after the notice has been complied with. Therefore and if the land becomes untidy again, the whole process must commence from the beginning.
- When determining if the condition of land warrants action, regard must be given to context (i.e. the surrounding area) and also what the condition of the land would reasonably be due to the activities which are carried out there. For example, a scrap yard is untidy and affects amenity but is inevitable and so would not be subject to such action.
- The Local Planning Authorities cannot require within the notice any action which in itself would require planning permission. For example the erection of security fencing.
- Local Planning Authorities must always have regard for the expediency of taking action and therefore whether what you can ask someone to do will in fact resolve the issue. If not, you should not take such action.

2 Have these powers been enacted by Dudley MBC?

Dudley MBC regularly uses these powers (as identified later).

3 Who holds the authority and what triggers the use of these Sections?

The authority for the service of Notices under S215 is delegated to the Director of the Urban Environment.

4 How often have these powers been enacted during the past six years?

13 Notices have been served in the past 6 years under Section 215 of the Act.

5 Where have they used these powers?

At a range of sites across Dudley. As the reporting of the detail of these sites would extend the meeting details will be forwarded to Councillor Ms Partridge and all other Members.

6 If not enacted why not?

Between April 2008 and March 2009 the Planning Enforcement Team has received 49 complaints relating to untidy land.

When the formal powers have not been enacted it is often because negotiations with the land owner(s) results in tidying of the land.

On occasion the powers may not be enacted because the condition of the land does not warrant such an action, or that the action the LPA is allowed to ask for would not in itself resolve the problem.

Turning now to Section 79 of the Building Act 1984.

1 What powers does this Section give?

Section 79 of the Act reads:

- (1) If it appears to a local authority that a building or structure is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood, the local authority may by notice require the owner thereof -
 - (a) to execute such works of repair or restoration, or
 - (b) if he so elects, to take such steps for demolishing the building or structure, or any part thereof, and removing any rubbish or other material resulting from or exposed by the demolition, as maybe necessary in the interests of amenity.
- (2) If it appears to a local authority that –

- (a) rubbish or other material resulting from, or exposed by, the demolition or collapse of a building or structure is lying on the site or on any adjoining land, and
 - (b) by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood, the local authority may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.
- (3) (a) section 99(1) requires the notice to indicate the nature of the works of repair or restoration and that of the works of demolition and removal of rubbish or material, and
- (b) section 99(2) authorises the local authority to execute, subject to that subsection, at their election either the works of repair or restoration or the works of demolition and removal of rubbish or material.

2 Have these powers been enacted by Dudley MBC?

Environmental health have not enacted these powers.

3 Who holds the authority and what triggers the use of these sections?

The authority for the service of Notices under Section 79 is delegated to the Director of the Urban Environment who has further delegated this matter to the Head of Environmental Health and Trading Standards.

4 How often have these powers been enacted during the past 6 years?

Environmental Health have not enacted these powers.

5 Where have they used these powers?

Environmental Health have not enacted these powers.

6 If not enacted why not?

In cases of void properties referred to Environmental Health the property rarely meets the criteria of “ruinous or dilapidated” and “seriously detrimental to the amenities of the neighbourhood”. Instead the buildings are essentially sound and just require boarding up to prevent entry. If the building is in a state of dereliction it is often potentially dangerous and in these cases Structural Engineers deal with the problem.

In addition using these powers will not provide a speedy solution to a problem as detailed schedules of repair or restoration works have to be drawn up to go with a notice and as Environmental Health officers are not structural engineers they would need to seek advice from the appropriate experts.

The meeting ended at 8.35 pm.

CHAIRMAN