



Meeting of the Cabinet

Wednesday 28th June, 2023 at 6.00pm
in Saltwells Education Development Centre, Bowling Green Road,
Netherton

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

1. Apologies for absence
2. To receive any declarations of interest under the Members' Code of Conduct
3. To confirm and sign the minutes of the meeting held on 16th March, 2023 (Pages 5 - 11)
4. Capital Programme Monitoring (Pages 12 - 35)
5. Moving Traffic Regulation Order (TRO) Enforcement (Pages 36 - 43)
6. Housing and Communities Governance (Pages 44 - 50)
7. Equality, Diversity and Inclusion Annual Delivery Plan (Pages 51 - 77)
8. Dudley Playing Pitch and Outdoor Sports Strategy (PPOSS) and Dudley Strategy and Action Plan and Black Country PPOSS Overarching Strategic Framework (Pages 78 - 85)
9. Residential Design Guide Supplementary Planning Document (SPD) (Pages 86 - 90)
10. Nature Conservation Site – Dudley No.1 Canal (Pages 91 - 98)
11. Recommendations for Article 4 Direction for Houses in Multiple Occupation (HMOs) (Pages 99 - 108)



12. Care Experienced to be Protected Characteristic (Pages 109 - 117)
13. Energy Development Fund (Pages 118 - 122)
14. To report on any issues arising from Scrutiny Committees
15. To consider any questions from Members to the Leader where two clear days' notice has been given to the Monitoring Officer (Cabinet Procedure Rule 2.5)

Under the provisions of Part I of Schedule 12A to the Local Government Act 1972, the Monitoring Officer has decided that there will be no advance disclosure of the following report because the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

16. Resolution to exclude the public and press

Leader to move:

"That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information under Part I of Schedule 12A to the Local Government Act 1972, as amended, for the reasons stated on the agenda."

Agenda - Private Session
(Meeting not open to the public and press)

17. Black Country Innovative Manufacturing Organisation - BCIMO (Pages 123 - 129)

(The report contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information))

Distribution:

Members of the Cabinet:

Councillor P Harley (Leader)

Councillor P Bradley (Deputy Leader)

Councillors P Atkins, I Bevan, R Buttery, S Clark, Dr R Clinton, D Corfield, N Neale and L Taylor-Childs

Opposition Group Members nominated to attend meetings of the Cabinet:

All Shadow Cabinet Members are invited to attend Cabinet meetings (to speak but not vote)



Chief Executive

Dated: 20th June, 2023

Please note the following information when attending meetings:-

Health and Safety

- In view of ongoing health and safety requirements in the workplace, you are asked to comply with any safety instructions applicable to the venue. Various mitigating actions are in place to minimise any risks and to ensure we adhere to the latest guidance.

Public Gallery

- Seating in the public gallery is subject to limits on capacity and will be allocated on a 'first come' basis.

Toilets

- Toilet facilities are available on site and are subject to safety measures that are in place. All the toilets have hand washing facilities.

No smoking

- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

In Case of Emergency

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below).

Private and Confidential Information

- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.

General

- Public Wi-Fi is available.
- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk

If you need advice or assistance

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk

If you are reading these documents on an electronic device, you have saved the Council £7.00 (on average) per printed agenda and helped reduce the Council's carbon footprint



Minutes of the Cabinet

**Thursday 16th March, 2023 at 6.00 pm
at Dudley Town Hall, St James's Road, Dudley**

Present:

Cabinet Members

Councillor S Clark (Deputy Leader in the Chair)
Councillors I Bevan, R Buttery, D Corfield, R Clinton, S Keasey, N Neale,
D Stanley and L Taylor-Childs.

Opposition Group Members Nominated to attend the Cabinet

Councillors J Foster, S Ridney and P Sahota.

Officers

K O'Keefe (Chief Executive), M Abuaffan (Acting Director of Public Health and Wellbeing), H Martin (Director of Regeneration and Enterprise), R Cooper (Head of Financial Services), N Bridger (Senior Manager HR Delivery and Intelligence), D Brennan (Equality, Diversity and Inclusion Manager), K Jesson (HR Delivery Manager - Business Partnering and Intelligence) and S Griffiths (Democratic Services Manager).

98 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors S Ali, A Aston, C Barnett, C Bayton, K Casey, P Lowe, P Harley and Q Zada.



99 **Declarations of Interest**

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

100 **Minutes**

Resolved

That the minutes of the meetings held on 26th January, 2023 and 16th February, 2023, be agreed as correct records and signed.

101 **Capital Programme Monitoring**

A joint report of the Chief Executive and Director of Finance and Legal was submitted on progress with the implementation of the Capital Programme and proposed amendments.

Councillor P Sahota raised concerns relating the implications and the risks associated with increased loan support to Black Country Innovative Manufacturing Organisation (BCIMO) and queried whether this was included on the corporate or directorate risk registers. A written response would be provided.

Councillor R Buttery undertook to request a briefing on points raised by Councillor S Ridney concerning future Special Educational Needs and Disability (SEND) Projects and particularly the implications in the North of the Borough.

The Deputy Leader reported that the scrutiny call-in procedure would not apply to the decision concerning loan support to BCIMO. In accordance with the Council's Scrutiny Committee Procedure Rules, the Mayor had agreed that this decision was urgent and could not reasonably be deferred due to the urgent need to consider cashflow support. The decision of the Cabinet would therefore be implemented with immediate effect and reported to the next Full Council meeting for information.

Resolved

- (1) That the Council be recommended:-
 - (a) That the progress with the 2022/23 Capital Programme, as set out in Appendices A and B to the report, be noted.
 - (b) That the expenditure for additional Changing Places toilets, funded by an additional grant, as set out in paragraph 4 of the report, be included in the Capital Programme.
 - (2) That the Director of Finance and Legal be authorised to increase loan support to Black Country Innovative Manufacturing Organisation (BCIMO) by up to £712,000, in view of the cash flow issues outlined in the report, and to amend the Capital Programme to include the City Regional Sustainable Transport Strategy (CRSTS) grant, as set out in paragraph 5 of the report.
-

102 Gender Pay Gap Report 2022 – Snapshot date 31st March, 2022

The Cabinet considered a report of the Chief Executive on the Gender Pay Gap Report 2022, which was due for publication by 30th March, 2023, in accordance with the requirements of the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

Resolved

- (1) That the Gender Pay Gap 2022 report, as set out in Appendix 1 to the report, be approved for public disclosure and that the data be reported to the Government before 30th March, 2023 to ensure compliance with the requirements of the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.
 - (2) That the amendment to the 'mean' and 'median' figures contained within the 2021 Gender Pay Gap report be noted.
-

103 **UK Shared Prosperity Fund - Approval of Year 2 UKSPF Programme Schedule - Communities and Place and Local Business Support**

The cabinet considered a report of the Director of Regeneration and Enterprise providing an update on the UK Shared Prosperity Fund (UKSPF) Year 1 activity relating to Communities and Place and to seek approval for the indicative Year 2 and Year 3 programme schedule prior to entering into subsequent annual funding agreements, as approved at the meeting of the Cabinet on 27th October, 2022.

The Director of Regeneration and Enterprise undertook to provide a briefing note on issues raised by Councillor P Sahota concerning benchmarking, business support, equality impact, delivery and risk management. A list explaining the acronyms in the report would also be provided.

Reference was also made to the formation of the UKSPF Steering Group, the composition of which would be discussed at the first meeting of the Group. It was suggested that the Group should be more representative and inclusive, including representation from other public agencies, businesses, colleges and children and young people.

Resolved

- (1) That the progress made with regard to the UK Shared Prosperity Fund (UKSPF) Year 1 delivery, and the rationale for the funded projects, be acknowledged.
 - (2) That the proposed year 2 and year 3 programme schedule be approved.
 - (3) That, subject to comments made at the meeting, the proposed governance arrangements for overseeing delivery of UKSPF projects be approved.
 - (4) That the risks associated in scaling up activity in both Communities and Place and Local Business Support, given the delays to date in approvals of UKSPF funding, be acknowledged.
-

104 **Approval of the Black Country Joint Committee Collaboration Agreement and Enterprise Zone Memorandum of Understanding**

The Cabinet considered a joint report of the Chief Executive and the Deputy Chief Executive on the arrangements agreed by the four Black Country Local Authorities (BCLA's), to retain and continue the successful administration of legacy funding in the Black Country, following the abolition of the Black Country Local Enterprise Partnership (BCLEP), with effect from 31st March, 2023.

The report referred to how this would be facilitated to ensure funding was retained for use across the Black Country, which would require the existing legal agreement underpinning the Black Country ways of working: The Black Country Joint Committee (BCJC) Collaboration Agreement ("Collaboration Agreement"), to be updated, together with the Memorandum of Understanding for Enterprise Zones (EZ MOU) between the BCLA's and the relevant Government Department.

Resolved

- (1) That the revised Collaboration Agreement, as set out in Appendix A to the report, with the significant changes as set out in the report, be approved.
- (2) That authority be delegated to the Chief Executive, following consultation with the Leader, to make any final amendments and to authorise the sealing of the Collaboration Agreement by the Council.
- (3) That authority be delegated to the Chief Executive, following consultation with the Leader, to negotiate, approve and sign the Memorandum of Understanding for Enterprise Zones.

105 **Infrastructure Funding Statement 2022 – Allocation of Funding**

A report of the Director of Regeneration and Enterprise was submitted on the Infrastructure Funding Statement 2022 allocation of funding to Community Infrastructure Levy (CIL) eligible projects.

In welcoming the investment, Councillor P Sahota requested information on the other projects that had been put forward as referred to in the report. The Director of Regeneration and Enterprise indicated that this could be provided.

Resolved

That the projects to receive Community Infrastructure Levy funding, as detailed in Table 1 of the report, be approved.

106 **Dudley Playing Pitch and Outdoor Sport Strategy (PPOSS) and Strategy and Action Plan and Black Country PPOSS Overarching Strategic Framework**

This item of business was deferred to the next meeting of the Cabinet.

107 **Dudley MBC response to the Sandwell Local Plan consultation**

The Cabinet considered a report on Dudley MBC's response to the Sandwell Local Plan (Issues and Options) Consultation.

The Director of Regeneration and Enterprise responded to a query from Councillor S Ridney concerning the gypsy and traveller provision as referred to in the report.

Resolved

That the Council's proposed response to the Sandwell Local Plan (Issues and Options) consultation, as set out in Appendix 1 to the report, be approved.

108 **Scale of Fees and Expenses for Borough Council Elections**

The Cabinet considered a report of the Chief Executive on the Scale of Fees for Borough Council Elections.

Resolved

That the Scale of Fees and Expenses, as contained in Appendix A to the report, be approved effective for all local elections held after 3rd April 2023.

109 **Issues arising from Scrutiny Committees**

No issues were raised under this agenda item.

110 **Questions from Members to the Leader (Cabinet Procedure Rule 2.5)**

No questions were raised under this agenda item.

The meeting ended at 6.50 pm

LEADER OF THE COUNCIL

Meeting of the Cabinet – 28th June 2023

Joint Report of the Chief Executive and Director of Finance and Legal

Capital Programme Monitoring

Purpose

1. To report progress with the implementation of the Capital Programme, including the 2022/23 outturn position.
2. To propose amendments to the Capital Programme.

Recommendations

3. That the Council be recommended:
 - That the outturn position for 2022/23, as set out in paragraph 4 and Appendix A, be noted.
 - That progress with the 2023/24 Capital Programme, as set out in Appendix B, be noted.
 - That the parks development budget of £200,000 be approved and included in the Capital Programme, as set out in paragraph 7.
 - That the reallocation of car park infrastructure capital budgets of £130,000 to CCTV works at car parks be approved, as set out in paragraph 8.
 - That the transfer of capital budgets for Telecare services from Private Sector Housing to Adults Social Care be approved and included in the Capital Programme, as set out in paragraph 9.
 - That the new project of £25,000 funded by the Connected Services digital grant be approved and included in the Capital Programme, as set out in paragraph 10.

- That the Family Hubs capital grant and expenditure of £47,000 and estimated values for future years be approved and included in the Capital Programme, as set out in paragraph 11.
- That the additional budget of £60,000 for solar panels at Duncan Edwards Leisure Centre be approved and included in the Capital Programme as set out in paragraph 12.
- That a budget of £250,000 is approved and included in the Capital Programme for work on Dudley Town centre as set out in paragraph 13.
- That the urgent amendment to the Capital Programme to improve tennis facilities in parks across Dudley for £284,000 be approved and included in the Capital Programme, as set out in paragraph 14.

Background

Capital Spending and Financing 2022/23

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

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

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

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

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

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

Parks Development Projects

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

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

CCTV improvements

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

Telecare

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

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

Connected Services Digital Grant

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

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

Family Hubs Grant

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

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

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

Solar Panels

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

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

Dudley Town Centre

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

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

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

Urgent Amendments to the Capital Programme

14. As part of an aim to get 1 million more tennis players by 2024, the Lawn Tennis Association (LTA) and Central Government have put together a £30 million investment package to transform 4,500 public tennis courts. As one of 368 Local Authorities to have publicly available tennis courts the Council has been granted £280,537.11 by the LTA to improve tennis facilities within the borough. Six sites have been identified as viable for facility investment and at each location the LTA will install digital gate access technology. Additional works (up to £2,991.45) that can't be funded by the grant will be funded via S106 monies.

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

Finance

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

Law

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

Risk Management

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

Equality Impact

18. These proposals comply with the Council's policy on Equality and Diversity.

19. With regard to Children and Young People:

- The Capital Programme for Schools will be spent wholly on improving services for children and young people. Other elements of the Capital Programme will also have a significant impact on this group.
- Consultation is undertaken with children and young people, if appropriate, when developing individual capital projects within the Programme.
- There has been no direct involvement of children and young people in developing the proposals in this report.

Human Resources/Organisational Development

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

Commercial / Procurement

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

Environment / Climate Change

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

Council Priorities and Projects

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



Kevin O'Keefe
Chief Executive
Services



Iain Newman
Director of Finance and Legal

Contact Officer: Jennifer McGregor
Telephone: 01384 814202
Email: jennifer.mcgregor@dudley.gov.uk

List of Background Papers

Relevant resource allocation notifications.

Appendix A – Comparison of final year end capital spend with budgets

Appendix B – Update of progress on major capital schemes

2022/23 Capital Outturn

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

* Updated where appropriate to reflect latest scheme spending profiles

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

Progress with Major Capital Schemes

Public Sector Housing

New Council Housing

Projects on site

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

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

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

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

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

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

Environment

Stevens Park, Quarry Bank Lottery & Council funded project

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

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

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

Wrens Nest Wardens' Base

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

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

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

Dudley Townscape Heritage

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

The programme focuses on buildings in the town centre's historic core. The work at 203/204 Wolverhampton Street, 216 Wolverhampton Street and 204a Wolverhampton Street has been completed, with 14 New Street and Fountain

Arcade being practically complete. Other properties within the programme include the following:

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

A wide-ranging activities programme, running alongside the capital works programme, has been developed and delivered in conjunction with teams in Adult and Community Learning, Museums, Communications and Public Affairs and the Historic Environment Team. A revised programme was agreed with the Heritage Fund which was adapted in light of Covid-19 restrictions. Further activities were included in the programme working with delivery partners (Co Lab) who already have established links with the community of Dudley. This has seen the successful 'Growing up in Dudley' project, which has gathered images and oral reminiscences, and 'Dudley Days' which held workshops with a small group of participants to create music inspired by connections with Dudley. Teaching resources have been produced as part of the programme and have been shared with schools. The project also works closely with the Historic Environment Team to produce information in the form of trails and leaflets to enhance understanding and appreciation of the historic environment, including a suite of guides, which are currently being drafted, to assist owners of historic buildings. The project continues to work with volunteers where possible and research has been carried out on the former Woolworth's building resulting in a new document being produced for the Heritage Open Day in September 2022. A further document about Fountain Arcade has also been drafted and will be added to the suite of building leaflets included on the Dudley Heritage Open Days webpage, where the virtual tours of a number of buildings are available, and the Historic Environment Team's webpage. A new exhibition display in the form of 4 pull-up banners about the history of Dudley were produced for the Heritage Open Day and these are currently on display at the Museum. The programme has also included the installation of a blue plaque on the former School of Art to commemorate Percy Shakespeare, a 4-page insert in the autumn (2021) edition of the Home magazine and the printing of the City ID map for Dudley. A training session for bricklaying students at Dudley College has also taken place in October, where 3 students received hands-on training from a conservation bricklaying specialist.

Brierley Hill High Street Heritage Action Zone

The High Street Heritage Action Zone Programme (HSHAZ) is a nationwide initiative designed to secure lasting improvements to historic high streets for the communities who use them. It is Government funded and run by Historic England

with the aim of making the high street a more attractive, engaging and vibrant place for people to live, work and spend time. It is designed to unlock the potential of high streets across England, fuelling economic, social and cultural recovery. Brierley Hill High Street was one of 68 High Streets selected to receive a share of the fund.

The Brierley Hill High Street HAZ is a 4 year programme, due for completion by March 2024. At the start of the programme a grant of £1.8m was awarded by Historic England with £400,000 match funding coming from the Council, equating to an overall grant of 81.80% from Historic England and an overall budget of £2.2m. At the end of September 2021, this figure was increased with an additional grant of £242,171 from Historic England, which with the 18.20% match from the Council provides a total grant increase of £296,052.46 and an overall budget of just under £2.5m. The programme provides grant assistance to third parties to carry out repair, reinstatement and refurbishment works to historic buildings as well as grant assistance towards bringing vacant floorspace back into use. It also provides grant towards public realm improvements, plus there is a programme of complementary education and community engagement activities. The spend profile and the priorities for funding have been agreed and approved by Historic England.

Public Realm Programme and War Memorial

For years one and two, the priority has been works to the Brierley Hill War memorial. The works to the memorial have been divided up into two phases. Phase 1 commenced on-site in August 2021 and focused on installing lighting, repairs and architectural reinstatement works to the Brierley Hill War Memorial and its immediate setting and Phase 2 commenced on-site late November 2021 and focused on the War Memorial Garden where significant stabilisation works to the embankment have been undertaken along with structural repairs to the intermediate walls that runs through its centre plus the laying out of a soft landscaping scheme. Works on both phases are now complete. We are still in the rectification period for Phase 2, where any defects identified need to be remedied before final certificates can be issued. Oliver Architecture have issued the list of snags to the main contractor, the main one being to address the proliferation of weeds in the soft landscaped parts of the site. This matter is being pursued through the contract and will be resolved before formal handover to Green Care.

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

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

Buildings Programme

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

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

Grants have been offered and accepted on six projects:

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

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

Community Programme

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

Cultural Programme

Other major element of the High Street Heritage HAZ is the development of a Cultural Programme in conjunction with Brierley Hill Community Forum. The Arts

Council England, National Heritage Memorial Fund and Historic England are providing funding for the development and delivery of the HS HAZ Cultural Programme providing the total sum of £94,000 and this has to be delivered in accordance with an agreed Milestone and Instalment schedule.

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

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

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

Public Sector Decarbonisation

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

Works commenced during the summer of 2021 with all the installations at the named schools and corporate sites. All works are now practically completed at the various locations (Education & Corporate) including Solar Panels LED Lighting and Air Source Heat Pumps, with the exception of some final testing and commissioning for some of the ASHP installations which is still on going. Due to increased usage of the Council House, the installation of the controls to the ASHP have been delayed temporarily but work to install these controls is now progressing.

Low Carbon Place Strategy

The Council was awarded approximately £2.5m European Regional Development Funding (ERDF) to deliver a project that will reduce carbon emissions. This is a joint project between Housing and Corporate Landlord

Services that will reduce carbon emissions from council owned homes as well as corporate buildings such as the Council House. £2.5m of match funding is being met from existing HRA budgets. In November 2021 the council appointed a new central heating installer for council housing as the previous went into administration.

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

Very Light Rail (VLR)

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

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

Works continue in closing out outstanding issues and building snagging.

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

Metro Complementary Measures

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

The legal agreement with Transport for West Midlands (TfWM) states that the Council will fund the complementary measures along the route including pedestrian crossings. The Council has also agreed with TfWM to fund the uplift of materials where the Metro is built through Dudley Town centre in order to provide high quality public realm. Large public realm interventions have been identified along the route at key stops, notably Station Drive (now Dudley Castle), Flood Street and Brierley Hill, to be funded by this programme of works. The £1million accelerated funding associated with the Towns Fund has been used to fund works to adopt Zoological Way, part of the works for the new

loop road to access the Metro stop and some of the public realm work along the Zoo entrance on Castle Hill. Other public realm uplift works completed include those along the Metro route of Castle Hill to maintain and enhance the conservation character of the area, complementing the high-quality public realm at Market Square.

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

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

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

Towns Fund

Full planning permission was granted for the scheme at November 2021 Planning Committee under application P21/1505. After a short period to confirm the application would not be called in by DLUHC the application planning consent was granted on 16 December 2021.

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

In March 2022 it was agreed that DMBC would use an insurance-backed alliancing contract provider that will provide contract documentation, facilitation and advisory services to Dudley MBC required to prepare and execute an insurance-backed alliancing construction contract. DMBC will be the lead authority for this contract for construction consultancy services. Total costs of

using the IPI method of construction procurement will be up to £1.4m However, based on previous experience from Dudley College, we expect these costs will be balanced by significant savings over the course of the contract. These savings will principally come from insuring against cost overrun and a more transparent financial approach to contractor profit and costs.

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

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

CCTV

Phase 1 – Complete and operational.

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

- Cameras in Sedgley Bilston Street – completed.
- Wolverhampton Street Dudley – completed.
- Coronation Gardens – now completed and fully operational.
- Castle Gate – design work is complete. Columns have been erected, camera heads to be installed shortly. Waiting confirmation of power installations and fibre optic circuit. Expected to be completed July 2023, however, this depends on ongoing works associated with the installation of Tram lines which is affecting work permits to work in the same area which is impacting fibre installation. Only 2 cameras remaining to complete.
- The cameras to Lye town centre have been completed and are operational
- All 12 deployable cameras are now in use.

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

- Kent Street Upper Gornal – completed.

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

Dudley Interchange

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

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

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

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

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

Dudley Town Centre Highways Infrastructure (Portersfield Development)

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

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

Black Country Blue Network 2

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

Refurbishment of Dudley Council House Campus

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

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

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

Brierley Hill (Future High Streets)

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

Project summaries:

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

Key Retail Sites (£1.048m) - The owner of the Moor Centre has failed to secure planning approval to move the car parking from the rear of the site to the front. As the result, the Council's acquisition and redevelopment of the rear car park cannot be progressed within the Future High Street spend timescales. Following consultation with the Department for Levelling Up, a formal Project Change Request was submitted in September 2022 to move funding from the Moor Centre to support the public library (£365k) and public toilet refurbishment works (£194k). Tenders for both of these projects are double the original estimates. This is the result of materials shortages, the high rate of inflation and transportation costs. The remainder of funding (£489k) will be transferred to the public realm programme where similar cost increases are expected. The Department for Levelling Up approved this project variation in January 2023.

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

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

Following INTU shopping centres entering administration, discussions have continued with Sovereign Centros which is the current managing agent acting on behalf of the creditors. The intention is to phase initial activity around the construction of the Metro rail viaduct that crosses the sites. A valuation has been agreed by the Council and creditors. Early construction of the Metro viaduct and Embankment tram halt is key to delivery of the housing redevelopment project. West Midlands's Combined Authority's decision in July 2022 to delay the Metro link from Dudley to Brierley Hill has severely impacted upon the delivery programme and the proposed redevelopment works are unable to proceed within the FSHF timescale. The Housing Department's capital programme has been reduced and it is now unlikely the Council will proceed with the acquisition and redevelopment project. As the result, a review is being undertaken of how much of the Future High Streets funding can be reallocated to replacement projects within the programme in the period to 2023/24. This could include the introduction of new project activity, although this will need to be accompanied by an economic appraisal report that confirms value for money. It is understood the Minister is considering an extension to the current FHSF programme. A second Project Adjustment Request will therefore be submitted to the Department for Levelling Up in the summer of 2023. Discussions are also being held with West Midlands Combined Authority and Homes England over their acquisition of the land and the introduction of a more flexible funding package to remediate the sites and provide infrastructure. An Expression of interest was submitted in March 2023 for WMCA to acquire the sites and this was endorsed in May 2023. WMCA will now enter discussions with the site owner.

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

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

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

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

Schools

Schools Basic Need Projects

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

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

Special Educational Needs and Disability (SEND) Projects

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

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

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

Meeting of the Cabinet - 28th June 2023

Report of the Acting Service Director - Neighbourhood Delivery

Moving Traffic Regulation Order (TRO) Enforcement

Purpose of Report

1. To seek approval to apply for Civil Enforcement Powers from the Department for Transport (DfT) for Moving Traffic Contraventions (MTC) under the Traffic Management Act 2004.
2. Should the application be successful the powers would allow the Dudley Metropolitan Council to implement camera enforcement targeting selected individual problem locations with various moving traffic restrictions, which include:
 - Banned turning manoeuvres,
 - Prohibition of motor vehicles,
 - One-way traffic, and
 - Yellow box junctions.
3. A full list of the applicable restrictions can be found in Appendix A. Adopting these powers will help improve road safety, improve driver behaviour and compliance, reduce congestion, and improve air quality. In addition, taking on these powers has the potential to play a key role in supporting future transport strategies, encouraging active travel and reducing carbon emissions.

Recommendations

4. The Cabinet is recommended:

- To agree to consult the Chief Constable of Police for the West Midlands, undertake the required 6-week minimum consultation exercise, and agree to apply the Council's scheme of delegation to the Director of Environment in consultation with the Cabinet Member for Highways and Environmental Services.
- To approve, subject to the outcome of the consultation referred to above, making an application to the Department for Transport for the adoption of Moving Traffic Contravention powers, in accordance with Part 6 of the Traffic Management Act 2004.
- To agree, for the purpose of developing the business case, to set the Moving Traffic Contravention Penalty Charge Notice (PCN) value at the higher level of £70 (reducing to £35 if paid within 21 days) in line with existing Civil Enforcement activities undertaken by the Council.
- To agree to receive a further report in early 2024, following the outcome of the application process, to consider the associated business case and operating policy and protocols for the Moving Traffic Contravention enforcement service.

Background

5. Local authorities outside of London have previously been unable to enforce moving traffic contraventions (as listed in Appendix A). The Department for Transport (DfT) have enabled local authorities to apply to the Secretary of State for a Designation Order to obtain civil enforcement powers for moving traffic contraventions under Part 6 of the Traffic Management Act 2004 (TMA 2004). Examples of these types of contravention include banned turning manoeuvres, one-way streets, prohibition of motor vehicles and stopping in yellow box junctions.
6. Securing the powers to enforce moving traffic contraventions would enable future decisions to implement measures at selected individual locations that would directly support the priorities and objectives of our Council Plan 2022-2025 and our Borough Vision aspirations, ensuring that our communities are 'safe and healthy', helping people live happier more active lives in neighbourhoods that are 'better connected', and help align with our climate commitments.

Finance

7. Applying for the powers has no financial implications. The future business case will identify the costs associated with the sites selected and the costs of enforcements.
8. The fundamental principle being that any future service must be cost neutral to the Authority and local taxpayer. Indicative figures are outlined below.
9. Capital costs will depend on the final scale and scope of the service, to be agreed. Typically, traffic enforcement cameras can cost between £15,000 and £25,000 per camera to install and commission.
10. Annual revenue costs for the system will also depend on the number of cameras along with back-office system requirements and staffing implications. The running costs could be in the region of £150,000 per year, thereby requiring over 5,000 Penalty Charge Notices to be served before the system covers its costs. A complete cost versus income financial assessment will be developed over the coming months and will need to be agreed before the implementation of any enforcement regime.
11. The DfT has determined two bands for the level of penalty charge payable for MTC, as is the case with parking contraventions. It is recommended that PCNs are set at the higher penalty charge level of £70, with a reduction to £35 if paid within 21 days. This ensures consistency with PCNs for higher-level parking contraventions. If approved this value will be used in the business case analysis.
12. Legislation requires that warning notices be issued for the first 6 months of a contravention becoming enforceable for all first-time contraventions at each individual site. In the initial 6 months of enforcement, PCNs can only be issued to repeat offenders. These constraints will create a pressure on the service from the outset which will also need to be considered in the business case.
13. Any surplus revenue that is generated through the enforcement of Moving Traffic contraventions, must by law, be allocated toward Transport or Environmental improvement schemes, in the same way as any parking enforcement surplus.

Law

14. Obtaining MTC powers requires a legal process to be followed. Until this process has been completed and a decision to implement individual enforcement sites has been taken there are no legal implications for the Council.

Risk Management

15. A risk register will support the development of this project. Moving forward in the process key risks are likely to include:
 - Securing stakeholder support for moving traffic enforcement proposals
 - Physical implications (including safety and visibility issues) of installing camera enforcement equipment in identified locations
 - Operational costs, particularly during first 6 months of enforcement at each location where warning notices must be issued for first time offenders.
16. All the constituent local authorities of the West Midlands Combined Authority (WMCA) have already agreed, in principle, to apply for these powers. It should be noted that adoption of the powers does not mean the Council has to use them. Birmingham, Coventry, and Walsall have applied in Tranche 2, and Dudley, Sandwell and Solihull all intend to apply in Tranche 3. If Dudley Metropolitan Council does not apply it may be the only constituent member of the WMCA not to apply which may result in reputational risk and inconsistency of enforcement powers across the Region.
17. There is also risk that in not applying the Council would not be reasonably fulfilling its duty under Section 122 of the Road Traffic Regulation Act 1984 as the Highway Authority 'to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)'.

Equality Impact

18. Equalities assessments will be undertaken where appropriate and in accordance with Dudley MBC's Policies and agreed protocols. Full and detailed consultation will be undertaken as is required by the DfT and in the event that objections are received, these will be taken into consideration.

Human Resources/Organisational Development

19. The proposals in this report do not have any direct Human Resources/Organisational Development implications.
20. Resource implication will be considered in any future business case.

Commercial Procurement

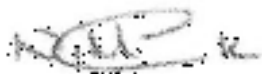
21. Any procurement activity will be carried out in accordance with the Council's Contract Standing Orders, and the relevant officers will take the procurements through the Procurement Management Group to monitor compliance.

Environment/Climate Change

22. Should we take on powers to enforce moving traffic contraventions it will help to support our climate commitment to improving air quality, through improved driver compliance, more reliable journey times for public transport, reduced congestion and improved network flow.

Council Priorities and Projects

23. Council Priorities will be taken into account in any future business case developed as a result of this decision.












Nick McGurk
Acting Service Director
Neighbourhood Delivery


Report Author: Hugh Dannatt
Telephone: 01384
Email: name@dudley.gov.uk










Appendices

Appendix A - List of all moving traffic contraventions enforceable under Part 6 of the Traffic Management Act 2004

Appendix A

Description	TSRGD diagram number & location	Sign
Vehicular traffic must proceed in the direction indicated by the arrow	606 (Schedule 3, Part 2, item 1 and Schedule 14, Part 2, item 42)	
Vehicular traffic must turn ahead in the direction indicated by the arrow	609 (Schedule 3, Part 2, item 2)	
Vehicular traffic must keep to the left/right of the sign indicated by the arrow	610 (Schedule 3, Part 2, item 3)	
No right turn for vehicular traffic	612 (Schedule 3, Part 2, item 7 and Schedule 14, Part 2, item 43)	
No left turn for vehicular traffic	613 (Schedule 3, Part 2, item 8 and Schedule 14, Part 2, item 43)	
No U-turns for vehicular traffic	614 (Schedule 3, Part 2, item 6 and Schedule 14, Part 2, item 43)	
Priority must be given to vehicles from the opposite direction	615 (Schedule 3, Part 2, item 9)	
No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)	616 (Schedule 3, Part 2, item 10 and Schedule 14, Part 2, item 44)	
All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians	617 (Schedule 3, Part 2, item 11)	

Description	TSRGD diagram number & location	Sign
Entry to and waiting in a pedestrian zone restricted	618.3B (Schedule 8, Part 2, item 1)	
Entry to and waiting in a pedestrian and cycle zone restricted	618.3C (Schedule 8, Part 2, item 2)	
Motor vehicles prohibited	619 (Schedule 3, Part 2, item 12)	
Motor vehicles except solo motorcycles prohibited	619.1 (Schedule 3, Part 2, item 18)	
Solo motorcycles prohibited	619.2 (Schedule 3, Part 2, item 20)	
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	622.1A (Schedule 3, Part 2, item 13)	
One-way traffic	652 (Schedule 9, Part 4, item 5)	
Buses prohibited	952 (Schedule 3, Part 2, item 17)	

Description	TSRGD diagram number & location	Sign
Route for use by buses, pedal cycles and taxis only	953 (Schedule 3, Part 2, item 33)	
Route for use by tramcars only	953.1 (Schedule 3, Part 2, item 36)	
Route for use by pedal cycles only	955 (Schedule 3, Part 2, item 28)	
Route for use by pedal cycles and by pedestrians only	956 (Schedule 3, Part 2, item 29)	
Route comprising two ways, for use by pedal cycles only and by pedestrians only	957 (Schedule 3, Part 2, item 32)	
With-flow cycle lane	959.1 (Schedule 9, Part 4, item 9)	
Contra-flow cycle lane	960.1 (Schedule 9, Part 4, item 6)	
Part of the carriageway outside an entrance where vehicles must not stop when the marking is placed in conjunction with the prescribed upright sign which includes the symbol at Schedule 4, Part 3, item 10	1027.1 (Schedule 7, Part 4, item 10)	
Box junction markings	1043 (Schedule 9, Part 6, item 25)	

Meeting of the Cabinet – 28th June 2023

Report of the Director of Housing and Communities

Housing and Communities Governance

Purpose of report

1. To seek approval to establish a dedicated 'Housing Assurance Board', in response to the Social Housing Regulation Bill, and considering the additional Corporate Risk associated with the Regulator for Social Housing's oversight of the Housing Compliance Recovery Programme.

Recommendations

2. That the Housing and Communities Directorate create a 'Housing Assurance Board' in preparation for forthcoming changes to the law (once the Social Housing Regulation Bill reaches Royal Assent). The Bill aims to strengthen the regulatory regime and places a deal of importance on good governance.

Background

3. Within housing services, potential issues with data quality and performance reporting were identified relating to property checks and efficiency data. An internal review found that the core datasets being used to provide performance information had not been reconciled or validated for a significant period of time.
4. A self-referral was made to Regulator of Social Housing (RoSH). On 27th April, 2023 the regulator published a notice which concluded that:
 - a. Dudley Metropolitan Borough Council (DMBC) has breached the Home Standard; and
 - b. As a consequence of this breach, there was the potential for serious detriment to DMBC's tenants.

5. The RoSH expects longer-term strategic change to tackle the root causes of non-compliance. There is evidence that Building Safety non-compliance is a symptom of a lack of control and governance of performance data and adherence to regulatory standards.
6. As well as moving towards the aims of the Social Housing Regulation Bill, creating a dedicated board will provide independent oversight and governance of the DMBC recovery programme, providing much needed assurance to the regulator, our Ward Members and our customers that identified issues will be rectified and robust arrangements will be put into place to prevent any similar concerns in the future.

The role of the Housing Assurance Board

7. The proposed Housing Assurance Board membership and draft Terms of Reference (attached at Appendix 1) mirrors a Board in a Regulated Provider, given the Bill will also bring regulatory standards for council housing in line with independent regulated providers.
8. The Housing Assurance Board would oversee the strategic direction and performance of Dudley Council's Housing and Communities Directorate, with delegated authority to deliver the Housing Compliance Recovery Programme, and would provide significant assurance to both Full Council and the Regulator of Social Housing that the recovery is well managed and well governed.
9. The Board would oversee reporting to the Housing and Safer Communities Select Committee, adding value to scrutiny work programmes and actions arising out of committee meetings through ongoing and in-depth assurance, and would report and make recommendations to Cabinet in accordance with the Council's Standing Orders.
10. The proposed Housing Assurance Board would consist of:
 - Deputy Chief Executive
 - Director of Housing and Communities
 - Cabinet Member for Housing and Safer Communities
 - Shadow Cabinet Member for Housing
 - Director of Finance and Legal Services
 - Chair of Housing and Safer Communities Select Committee
 - Chair of Audit and Standards Committee
 - Chair of Dudley's Customer Engagement Committee (currently being formed)

- 2 x Independent Non-Executive Directors, who are remunerated in line with sector averages.

Finance

11. The Inbucon Social Housing Non-Executive Directors' Survey 2023 found that the average fee for all Board Members in the report is £6,942. It is recommended that 2 NEDs are recruited and remunerated for an initial term of two-years in line with these rates.

Law

12. The Social Housing Regulation Bill is in the final stages of parliamentary amendments.
13. The Bill aims to strengthen the regulatory regime, focus landlords on their tenants' needs, and ensure landlords are held to account for their performance.
14. The core objectives of the Bill are to:
 - Facilitate a new, proactive consumer focused regulation regime for example, and in response to Grenfell, making safety and transparency part of the Social Housing Regulator's fundamental objectives.
 - Refine the existing economic regulatory regime ensuring that providers are well governed and financially viable to protect homes and investment in new supply.
 - Strengthen the Regulator's powers to enforce the consumer and economic regimes.
15. It will also bring regulatory standards for council housing in line with independent regulated providers.

Risk Management

16. The proposal to establish a Housing Assurance Board is in response to the additional Corporate Regulatory Risk of scrutiny from the Regulator of Social Housing due to a) the expectation of strengthened regulatory regime and b) the published Regulatory Notice following DMBC's self-referral for non-compliance with the Homes Standard.
17. The Housing Compliance Recovery Programme exists to reduce DMBC exposure to the following Strategic Departmental risks:

- Failure to meet and evidence statutory building safety and compliance responsibilities.
- Failure to maintain the quality of existing housing stock through planned, cyclical and responsive maintenance services, impacting on the viability of the Housing Revenue Account.

Equality Impact

18. The 100% Stock Condition Survey includes tenant validation data collection. More accurate data will enable Housing and Communities to better understand the diversity of tenants and improve the equality, diversity and inclusion of our services
19. Strong governance and assurance, in the context of an updated regulatory regime focused on the tenant's needs, should drive improvements to EDI performance.
20. There is no specific impact on children and young people.

Human Resources/Organisational Development

21. Management of Housing Assurance Board, and its interface with Corporate Governance will be managed by temporary programme structures/resources, in line with best practice programme management.
22. The programme will also define and implement a Target Operating Model which will identify the appropriate long-term arrangements to ensure assurance of Housing performance, within the Corporate Governance framework.

Commercial/Procurement

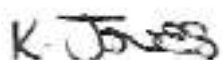
23. The strengthened regulatory regime is concerned with the financial viability of Social Housing providers. One of the identified themes within the Housing Compliance Recovery Programme is procurement of contractors, and the Programme has identified significant efficiencies which can self-fund the recovery and deliver year-on-year savings after the recovery works are complete.

Environment/Climate Change

24. The Stock Condition Survey will also deliver EPCs for 100% of stock, driving efficiency savings over the next 10 years, and enabling effective investment plans into the energy efficiency of DMBC assets.

Council Priorities and Projects

25. The contents of this report relate to Corporate Planning and Performance Management. By ensuring appropriate governance, Housing and Communities can offer assurance of the appropriate controls of data validation, reporting, performance and management of risk.
26. Effective governance of the Housing Compliance Recovery Programme is fundamental to realising the benefits for Asset and Property Management and the impact on our customer base.



Director of Housing and Communities

Report Author: Jen Williams, Programme Manager
Telephone: 01384 816918
Email: jen.williams@dudley.gov.uk

Appendices

- Appendix 1 – Housing Assurance Board – draft terms of reference

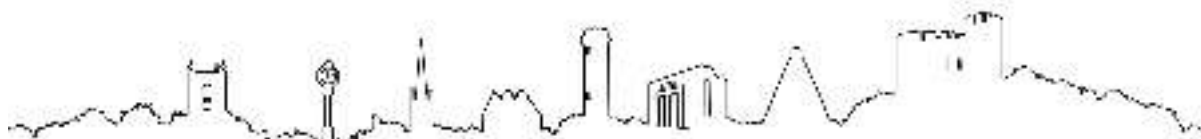
List of Background Documents

None

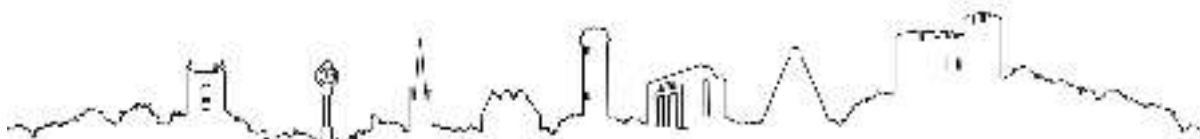
DUDLEY COUNCIL HOUSING ASSURANCE BOARD

TERMS OF REFERENCE

DATE	1 st June 2023
CHAIR	<p>Independent chair to be nominated and agreed by the Assurance Board</p> <p>The Board will nominate and agree a vice-chair from its membership who can deputise in the absence of the chair</p>
MEMBERS	<ul style="list-style-type: none">• Deputy Chief Executive• Director of Housing and Communities• Cabinet Member for Housing and Safer Communities• Shadow Cabinet Member for Housing• Director of Finance and Legal Services• Chair of Housing and Safer Communities Select Committee• Chair of Audit and Standards Committee• Chair of Dudley's <i>Customer Engagement Committee</i>• 2 x Independent Non-Executive Directors
OTHER ATTENDEES	<p>Dudley Council Heads of Service and Strategic Leads from the Housing and Communities Directorate</p> <p>Other invitees as required dependent upon agenda items</p>
PURPOSE OF THE BOARD	<p>The Housing Assurance Board will oversee the strategic direction and performance of Dudley Council's Housing and Communities Directorate, reporting and making recommendations to Cabinet in accordance with the Council's Standing Orders. The Board will:</p> <ul style="list-style-type: none">• Hold the Directorate to account for the delivery of the Service Improvement Plan and associated action plans;• Review and challenge financial and performance data to gain assurance that the service is achieving performance targets and that the HRA budget is being managed robustly• Satisfy itself that risk is properly identified and managed• Seek regular assurance that the Directorate is meeting its regulatory and statutory duties, including but not limited to building safety and compliance.• Receive and scrutinise annual and ad hoc self-assessments against the Regulator of Social Housing's consumer standards and Rent Standard, the Housing Ombudsmans Complaints Code, and other relevant assessments which provide assurance that the service is managed effectively• Receive assurance from the <i>Customer Engagement Committee</i> and other sources that the Council is delivering against the commitments set out in the Charter for Social Housing Residents



	<ul style="list-style-type: none"> • Oversee reporting to the Housing and Safer Communities Select Committee in line with the agreed scrutiny work programme and actions arising out of committee meetings • Oversee the development of Dudley's overarching Housing Strategy for approval by Cabinet; monitoring delivery of the Strategy once approved • Hold housing services to account for the delivery of high performing, customer focused, evidence based services with a continuous improvement culture that seeks to learn from good practice from within and outside the sector and from the lived experience of our customers • Present an annual assurance report to Housing and Safer Communities Select Committee, Audit and Standards Committee and Cabinet
MEMBERSHIP OF THE BOARD	Recommendations for changes to membership of the Board can come from the Board or the council and will be proposed to Cabinet for decision.
FREQUENCY OF MEETINGS	Meetings of the Board will be held every six weeks and the agenda and papers will be circulated one week in advance.
STANDARD AGENDA ITEMS	<p>The agenda for meetings will be set by the Chair, and will include the following standard agenda items:</p> <p>Review of minutes, actions and matters arising and declarations of interest – every meeting</p> <p>Review of performance data – quarterly</p> <p>Review of HRA budget position – quarterly</p> <p>Review of progress against Service Improvement Plan – quarterly</p> <p>Review of other action plans – as required</p> <p>Preparation of the annual assurance report – annually</p>
SUPPORT TO BOARD	The Board will be supported by the Housing and Communities Directorate PA Team.
REVIEW	There will be an annual review of the Terms of Reference and Membership, with any proposed changes being recommended to Cabinet for decision



Meeting of the Cabinet – 28th June 2023

Report of the Chief Executive

Equality, Diversity and Inclusion Annual Delivery Plan 2023 -24

Purpose of report

1. To consider the annual delivery plan (“annual plan”) for Equality, Diversity, and Inclusion for the 3-year period April 2023 - March 2024.

Recommendations

2. It is recommended that Cabinet: -
 - Notes the progress made against the annual plan for Equality, Diversity and Inclusion (EDI) for the period 2022-23.
 - Approves/endorsees the annual plan for Equality, Diversity, and Inclusion for the current year 2023-24.

Background

3. Dudley Council’s Equality, Diversity, and Inclusion Strategy (2022-25) approved by Cabinet on 24th March 2022, sets out how the council intends to achieve its public duty and confirms our vision for “Putting Equality at the heart of everything we do”.
4. The 4 priority themes contained within the EDI Strategy are:
 - Understanding our diverse customers and residents
 - Demonstrate Inclusive leadership and accountability for delivering EDI outcomes across the organisation.

- Ensuring the integration of equality objectives into the commissioning, procuring and delivery of services.
- An engaged workforce that reflects the diverse community we serve

Each theme has a number of identified actions which are captured within an annual plan.

- 5 The EDI annual plan differs from the EDI Strategy in that it identifies detailed actions and enables the council's corporate equalities board to track the progress made against these. This board, made up of senior officers from each directorate and which is chaired by the Chief Executive, meets on a monthly cycle.
6. The EDI annual plan 2022-23 attached at **Appendix 1** provides an update on the progress made. In summary, the majority of actions have been completed and the remainder are identified as being in progress. A number of these are linked to activities requiring more than a year to complete or work of an ongoing nature or duration, e.g. analysis of workforce data, continuous process reviews.

Key actions completed to improve our Equality capability have been:

- Launch of a Dignity at Work Policy
- Creation of a Carers' Passport and Policy
- Hosting a sell-out Black History Month event
- Attending Birmingham Pride for the first time as a council in 2022
- Signing Unite's 'Unity Over Division' charter with the Leader, Unite, GMB and Unison
- Creation and formalisation of 4 staff networks, inclusive of LGBTQ+, Faith and Ethnicity, Carers and Disability
- Using EDI data to inform inclusive leadership and accountability through our Leadership Development programmes
- Improvements to general training inclusive of neurodiversity training and Trans awareness training delivered via Birmingham LGBT; and
- EDI training delivered to members in conjunction with the Local Government Association.

7. Overall, considerable progress has been made during the past 12 months resulting in an improved risk score for EDI on the council's corporate risk register. The EDI annual plan 2023-24 attached at **Appendix 2** continues to build on this work and captures the activities to be delivered in the next 12 months that will further strengthen the council's EDI capacity and capability.

Finance

8. Any costs associated with implementing the annual plan will be met within existing budgets.

Law

9. The council is required under section 149 of the Equality Act 2010 (known as the Public Sector Equality Duty) to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying "due regard" in our decision-making, the design of policies and in the delivery of services.
10. The Public Sector Equality Duty consists of three arms: the need to eliminate discrimination, harassment, and victimisation; advance equality of opportunity; and foster good relations between those identifying under a protected characteristic and those who do not. Having "due regard" in relation to these aims is exercised by:
 - Removing or minimising disadvantages due to a protected characteristic
 - Meeting needs associated with a protected characteristic where they differ from the needs of people who do not share that characteristic
 - Increasing participation in public life where this is lower than for people who do not share that characteristic.
11. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. In addition, the council's equality processes enable consideration of groups not covered specifically by the Act but liable to discriminatory treatment through vulnerability, socio-economic and other circumstances.

Risk Management

12. Delivery of the actions detailed in the annual plan mitigates a risk of the council failing to deliver its Public Sector Equality Duty as defined in the Equality Act 2010. The activities completed from the annual plan 2022-23 has resulted in an improved score on the council's corporate risk register.

Equality Impact

13. The EDI Strategy and annual plan supports the council's vision and reflects our values and is intended to go beyond legal compliance to help us achieve our aspiration to put equality at the heart of everything we do.

Human Resources/Organisational Development

14. Successful delivery and implementation of our EDI Strategy and action plan is reliant on effective collation, analysis, and reporting of equality data. Equally important is the regular review of relevant people policies, procedures, and practice. This supports the effective implementation of policies and systems that challenge discrimination and stereotypes across all aspects of our work. The work will require a dedicated cultural change programme that will benefit everyone in the council.

Commercial/Procurement

15. As one of the four themes within the EDI strategy and action plan focuses on procuring and commissioning services, further work is required if we are to achieve the commitment to ensuring equality is reflected in the services we procure and commission.

Council Priorities and Projects

16. The EDI Strategy and action plan 2023-2024 have a clear link to the goal in the borough vision to support "stronger and safer communities". The strategy indirectly supports this by reducing social isolation in our place of work, through improved people policies and support to the staff networks, and creating an environment where it is safe to speak up and challenge poor practice and experiences.



.....

Kevin O'Keefe
Chief Executive

Report Author: Daniele Brennan; Equality, Diversity, and Inclusion Manager.
Telephone: 01384 811331
Email: daniele.brennan@dudley.gov.uk

Appendices

Appendix 1 – EDI Annual Delivery plan 2022-23

Appendix 2 – EDI Annual Delivery plan 2023-24

List of Background Documents

Report to Cabinet 24th March 2022 - Equality Strategy 22-25

EDI ACTION PLAN 2022-2023

This plan sets out the actions we will take to deliver Dudley Council's equality objectives identified in our Equality, Diversity, and Inclusion strategy.

Theme One: Understanding our diverse customers and residents.

Action	Key indicators/measuring success. Quantitative and qualitative data	RAG Status	Commentary
<ul style="list-style-type: none"> Analysis of equality data for our workforce, alongside the new census data, to understand how our workforce compares to the population of the Dudley Borough and to ensure the council's workforce reflect the community we serve. <ol style="list-style-type: none"> On release of new census data, use this information as a comparative tool to benchmark proportionally, to measure if we are reflective of the community we serve, across the whole group of protected characteristics. Use Census data as a metric for diagnosis. Encouraging our employees to share their equality data through our scheduled surveys. Ensuring employee data is robust and appropriate for external equalities benchmarking schemes Encourage managers to have conversations with their employees about the importance of this data being provided. Ensure that services are collecting customer / resident data consistently to agreed standards / guidance materials 	<ul style="list-style-type: none"> % Increase on those sharing their generic equality data to create a reduction of the proportion of "unknown". Improve the sexual orientation declarations by employees. To increase the number of employees who declare their disability status. To increase the number of employees who declare their ethnicity and faith. Establish baseline measures. A clear transparent stance on the reasons why this data will improve our equality offering. 	Ongoing	<ul style="list-style-type: none"> Analysis of new census data completed against the profile of our workforce. Employees encouraged to share their equality data, through the employee surveys, the introduction of pronouns to signatures, and to HR self-recording systems. With these updates messages has been sent around why we want this information.
<ul style="list-style-type: none"> Demonstrate how we can use EDI data to learn more about our workforce and their experience as employees, particularly those with protected characteristics and to use this intelligence to influence decisions/create interventions 	<ul style="list-style-type: none"> Use of relative likelihood calculator, which is a measure used in equalities work by major employers within the borough e.g., NHS, to demonstrate using data to inform decision making. 	Ongoing	<ul style="list-style-type: none"> Data dashboards live by July under EDI Delivery plan 2023-24

EDI ACTION PLAN 2022-2023

This plan sets out the actions we will take to deliver Dudley Council's equality objectives identified in our Equality, Diversity, and Inclusion strategy.

Theme One: Understanding our diverse customers and residents.

Action	Key indicators/measuring success. Quantitative and qualitative data	RAG Status	Commentary
1. <i>Develop evidence-based evaluation to apply to our EDI interventions. (Case studies).</i>			

EDI ACTION PLAN 2022-2023

Theme One: Understanding our diverse customers and residents.

Action	Key indicators/measuring success. Quantitative and qualitative data	RAG Status	Commentary
<ul style="list-style-type: none"> Improving the engagement activities used to communicate with marginalised groups within our Borough, focussing on accessibility to information. Working to ensure engagement decisions are made collaboratively. <ol style="list-style-type: none"> <i>Continue to develop the diverse range of ways for people to engage and have their voice heard</i> <i>Research how other local authorities communicate with their customers.</i> <i>Use plain English and ensure published policies and documents are accessible including to Accessible Information Standard for relevant services</i> <i>Review accessibility of corporate website and scope for adding assistive technology e.g Recite Me to improve functionality</i> <i>Review information on external webpages and incorporate additional services i.e., about translation services, clear greater use of pictures for those who may struggle to interpret the understand written information, and reader compatibility for those who are sight impaired.</i> <i>Carry out review of language interpretation and translation service to ensure services/communications are available in languages that reflect our Borough's most popular dialect but are accessible to those who may have alternative barriers to access information.</i> 	<ul style="list-style-type: none"> Collecting feedback from customers around our current engagement. Re-establishing links with community consultation boards through our Public Health Team. Staff networks attending Corporate Equality Group to bring/raise issues. Benchmarking accessibility to external websites in comparison with neighbouring local authorities through well-established Equality networks. EDI Team to feed into Public Health Public Health Inclusion Project and continue to inform part of the consultation process. 	Completed	<ul style="list-style-type: none"> Healthy communities and place. Engagement approaches are based on insights on data i.e. Covid vaccinations. Discussions as a team best approach to take Engagement is used to send messages – tokens of appreciation. Building and developing ongoing trust-based relationships and enabling groups to become more active in their communities. There is a high focus on communication for the council. Community led; supported and enabled. Raise ideas/issues that they may have. Identify community assets skills/passions/ideas/connect to other resources. Help them to improve things in their community. Specific engagement work to support other teams, i.e., asking groups if they want to take part.

EDI ACTION PLAN 2022-2023

Theme One: Understanding our diverse customers and residents.

Action	Key indicators/measuring success. Quantitative and qualitative data	RAG Status	Commentary
			<ul style="list-style-type: none"> Allowing people to make informed choices, such as the immunisations team.
<ul style="list-style-type: none"> Creating sophisticated engagement structures that will result in both formal and informal interactions between our organisation and its diverse communities. <ol style="list-style-type: none"> <i>Use feedback from employees and customers to better understand their experiences and find out if people feel that we are making progress.</i> <i>Develop a range of feedback mechanisms including consultation exercises, focus groups, staff networks, surveys, and informal feedback.</i> <i>Identify key umbrella organisations / partners in the community that reflect the protected characteristics, e.g. faith councils, voluntary sector</i> <i>Identify outputs and process for positive stories from feedback, e.g. 'You said, we did'</i> 	<ul style="list-style-type: none"> Clarity of purpose when undertaking community engagement. Establish realistic expectations of what might be achieved. Ensure that the organisation has the capacity to develop and implement a strategy. 	Ongoing	

EDI ACTION PLAN 2022-2023

Theme Two: Demonstrate inclusive leadership and accountability for delivering EDI outcomes across the organisation.

Action	Key indicators/measuring success. Quantitative and qualitative data	RAG Status	Commentary
<ul style="list-style-type: none"> • Using EDI Data to inform inclusive leadership and accountability <ol style="list-style-type: none"> 1. <i>The improvement in the collection of data will improve our ability to see where change needs to happen in the organisation and enable our leaders to understand where improvements need to be made both from a personal and organisational perspective.</i> 2. <i>Demonstrate how we can use this data to learn more about our workforce and influence decisions/create interventions.</i> 3. <i>Develop evidence-based evaluation to apply to our EDI interventions. (Case studies)</i> 	<ul style="list-style-type: none"> • Using the new EDI data set to influence training needs. 	Completed	<ul style="list-style-type: none"> • Addition to HR case data, where on the logs and register we now capture cases with protected characteristics where the individual has self-declared. • Risk assessment introduced for live cases • Workforce analytics shared with Heads of Service Monthly • Larger Workforce analytics shared quarterly with Senior Executive board. • Case study work undertaken around long covid; from lived experience of employees.
<ul style="list-style-type: none"> • Improvement of “Leadership Development Programme” ensuring key areas of diversity and inclusion are included in this. <ol style="list-style-type: none"> 1. <i>Upskill and embed leaders in EDI through programme.</i> 2. <i>Ensuring specific weighting for EDI experience in the delivery of leadership development programmes is reflected in the tendering process for potential external providers.</i> 	<ul style="list-style-type: none"> • In the proposed tender specification, there are clear references to EDI and a weighting for the tender evaluation for people to demonstrate it. • When we score the bids, the criteria are: What practices do you have in place to promote and uphold ED&I both within your own organisation and within training delivery? 	Completed	<ul style="list-style-type: none"> • EDI embedded in each level of the Leadership development programme • EDI and reasonable adjustments included in new induction processes (i.e., Dudley Manager) • Weighting given to awarded provider around EDI • EDI Manager briefed awarded provider to ensure material was appropriate to Dudley.

EDI ACTION PLAN 2022-2023

Theme Two: Demonstrate inclusive leadership and accountability for delivering EDI outcomes across the organisation.

Action	Key indicators/measuring success. Quantitative and qualitative data	RAG Status	Commentary
<ul style="list-style-type: none"> • Improve range of EDI training available to leaders including elected members <ol style="list-style-type: none"> 1. <i>Identify reverse mentoring programmes for race and other relevant protected characteristics</i> 2. <i>Increase exposure of elected members to training</i> 		Completed	<ul style="list-style-type: none"> • LGA EDI training held on 3rd November 2022. • 100% of attendees said they had a good/excellent understanding of Equalities, Diversity, and Inclusion at the end of the session (compared with 58% at the start of the session). • 81% of attendees said they had good/excellent understanding of Dudley MBC's EDI Strategy and Action Plan at the end of the session (compared with 41% at the start of the session).
<ul style="list-style-type: none"> • Improving the mandatory E-learning offering, ensuring the EDI module(s) are up to date. <ol style="list-style-type: none"> 1. <i>Ensure e-learning modules are regularly reviewed and updated to reflect the state of the nation and our ever-changing borough profile.</i> 	<ul style="list-style-type: none"> • New/improved EDI mandatory modules for all employees. • Analysis of feedback on completion <p>Ensure it is kept up to date with anyone going legislative changes in accordance with the Equality Act.</p>	Ongoing	<ul style="list-style-type: none"> • To be live on the date on the new LXP/ LMS being switched on.
<ul style="list-style-type: none"> • Explore working towards achieving national Disability Confident Leader, as opposed to employer. • Explore plans to submit to the Stonewall Workplace Equality index • Join Stonewall diversity programme <ol style="list-style-type: none"> 1. <i>Meet requirements to become a Disability Confident Leader – plan how to achieve requirements.</i> 	<ul style="list-style-type: none"> • Identify steps needed to be taken to be able us to advance to the next level as per the external companies' requirements. • Submit both Stonewall applications. • To further embed LGBTQ+ inclusion. • To attract and retain staff. 	Completed	<ul style="list-style-type: none"> • Decision taken at scrutiny not to engage with stonewall however other companies were explored.

EDI ACTION PLAN 2022-2023

Theme Two: Demonstrate inclusive leadership and accountability for delivering EDI outcomes across the organisation.

Action	Key indicators/measuring success. Quantitative and qualitative data	RAG Status	Commentary
	•To further develop the LGBTQ+ Staff Network "Proud to be me".		
<ul style="list-style-type: none"> • Ensure Equality Impact Assessments are completed for all new People Policies made by HR, OD & Inclusion services from April 2023. 		Completed	<ul style="list-style-type: none"> • Governance system introduced around policy creation, completion and sign off.
<ul style="list-style-type: none"> • Update our current equality impact assessment both initial, and full length to ensure all protected characteristics have been wholly considered. <ol style="list-style-type: none"> 1. <i>Deliver training to those who use them to ensure they have the skills and knowledge to consider all characteristics.</i> 2. <i>Create guides to support those filling in EIAs for support.</i> 3. <i>Explore and trial initial EIA sheets for projects.</i> 	<ul style="list-style-type: none"> • New style EIAs created by EDI Manager. • Training delivered by May 2023 to ensure those with responsibility can complete. • Gathering feedback from EIA project trial sheets and deciding on implementation if there is a positive impact on consideration. 	Ongoing	<ul style="list-style-type: none"> • Adaption of "People impact assessments based on training provided by independent consultancy. • Cohort one of training provided across the organisation on completing EIA's • New template to be rolled out end of 23; including 1 x in person training event and 1 x virtual with a recorded version to sit on new LMS/LXP • Introduction of EIAs into CPMO process • Centralisation of EIA review for MTFS
<ul style="list-style-type: none"> • Develop guidance for managers for inclusive practice on managing employees who may need reasonable adjustments <ol style="list-style-type: none"> 1. <i>Explore the integration of an inclusive management toolkit, to the new managers induction process, that</i> 	<ul style="list-style-type: none"> • Improvement in employee exit feedback in areas of staff feeling their voice is heard. 	Completed	<ul style="list-style-type: none"> • Reasonable adjustments training to be included in Dudley Manager roll out

EDI ACTION PLAN 2022-2023

Theme Two: Demonstrate inclusive leadership and accountability for delivering EDI outcomes across the organisation.

Action	Key indicators/measuring success. Quantitative and qualitative data	RAG Status	Commentary
<p><i>aims to encourage best practice and consistency and to embed inclusive practice in everything managers do to manage employees and deliver services.</i></p> <p>2. <i>Pilot of the Carers passport.</i></p> <p>3. <i>This also seeks to address feedback from staff on the inconsistencies in management practice when supporting staff in career development.</i></p>			<ul style="list-style-type: none"> • Launch of Carers Policy and passport • Formalisation of staff Carers Network
<ul style="list-style-type: none"> • Implementation of mitigating actions identified for EDI in the Corporate Risk register 		Completed	<ul style="list-style-type: none"> • Improvement in terms of the level of risk identified for equality in the corporate risk register.
<ul style="list-style-type: none"> • To ensure transparency in decision making as part of our responsibilities within the Public Sector Equality Duty 		Completed	<ul style="list-style-type: none"> • Publish equality reporting. • Completion of EIAs internally. • Internal governance oversight for EIA process.

EDI ACTION PLAN 2022-2023

Theme Three: Ensuring the integration of equality objectives into the commissioning, procuring and delivery of services.

Action	Key indicators/measuring success. Quantitative and qualitative data	RAG Status	Commentary
<ul style="list-style-type: none"> Consider future work/projects to ensure that by 2025 equality and diversity is built into our processes and procedures around procurement and commissioning. <ol style="list-style-type: none"> <i>Include Equality statement in tender / contractual documents</i> <i>Inviting suppliers to EDI workshop to raise awareness of our expectations especially if working / delivering service to protected characteristic groups</i> 	<ul style="list-style-type: none"> Identification of areas where equality is already used in procurement. 	Completed	<ul style="list-style-type: none"> Commissioning already have processes in place and sound knowledge of best practice in relation to EDI and also a sense of direction – to meet Care Act requirements, they are drafting a Market Position Statement document which draws on Census and monitoring data about ASC cohorts.
<ul style="list-style-type: none"> Exploration of an action plan on how to create the appropriate guidance for our suppliers on the equality requirements for the procurement and commissioning process. <ol style="list-style-type: none"> <i>Work towards creating a model that helps to ensure that the organisations we purchase or commission services from respect equality and diversity, by creating the appropriate guidance for our suppliers on the equality requirements for the procurement and commissioning process.</i> 	<ul style="list-style-type: none"> Template guide created, and feedback from key stake holders gathered. Review areas where Equality standards are already used in commissioning for bench marking purposes. 	Completed	<p>This is supplemented by:</p> <ul style="list-style-type: none"> Commissioning Forums with providers (in-person) Engagement and feedback from Learning Disability / Autism / Dudley Empowerment Partnerships or Boards – some of these include other statutory service providers / blue lights Annual Adult Services Survey Contract monitoring and performance reviews

<ul style="list-style-type: none"> • Improve our Recruitment Practice and process • <i>Review policy, procedure, and process, to tackle the services and directorates where there is evidenced underrepresentation.</i> • <i>Reduce the proportion of 'unknown' equality data we hold on our employees to help inform recruitment decisions made.</i> • <i>Reach a wider pool of potential applicants, the Dudley Council LinkedIn page is to be revised to promote the work of the Corporate Equality Groups and Staff networks to encourage people to want to work for Dudley MBC.</i> • <i>Ongoing monitoring of recruitment data for route cause analysis. at the following stages</i> <ul style="list-style-type: none"> i. <i>Application</i> ii. <i>Shortlisted</i> ii. <i>Interviewed</i> v. <i>Successful.</i> • <i>Revise mandatory recruitment and selection training for all recruiting managers.</i> • <i>Amend current equality in recruitment statement to encourage more applicants from a diverse background</i> • <i>Use relative likelihood calculator during various recruitment processes, to identify specific areas/services where more direct action needs to be taken to create bias interrupters.</i> • <i>Introduction of anonymised recruitment process.</i> 	<ul style="list-style-type: none"> • Start to record the Relative likelihood of employees being appointed from shortlisting across posts to inform future recruitment improvements. • Use of relative likelihood calculator as per the NHS WRES and WDES calculators; compares the likelihood of white employees being appointed with the likelihood of minority ethnic employees being appointed (ratio) • Number of shortlisted applicants: white = 780; minority ethnic = 210 • Number appointed from shortlisting: white = 170; minority ethnic = 30 • Relative likelihood of shortlisting/appointed: white = 0.22; minority ethnic = 0.14 • Relative likelihood of white staff being appointed from shortlisting compared to minority ethnic staff (0.22/0.14) is therefore 1.57 times greater. 	<p>Ongoing</p>	<ul style="list-style-type: none"> • A number of these activities in areas around recruitment are linked to activities requiring more than a year to complete or work of an ongoing nature and will roll on throughout the lifetime of the strategy
---	--	-----------------------	--

<ul style="list-style-type: none"> • Work with our Staff Networks, Trade unions and “equality champions” to reduce the numbers of grievances related to discrimination <ol style="list-style-type: none"> 1. <i>Use exit data information and reports to inform intervention.</i> 2. <i>Exit monitoring interview EDI questions to be reviewed annually, to identify employees’ journey at Dudley MBC, to inform employee experience improvement.</i> 3. <i>Monitoring of equality outcomes such as employee experience, staff survey, workforce data, and exit interviews.</i> 	<ul style="list-style-type: none"> • Continue to grow and develop staff networks. • Continuation of meetings between HR, OD & inclusion, and Trade unions. 	Ongoing	<ul style="list-style-type: none"> • This will continue to be an ongoing action
<ul style="list-style-type: none"> • Report our statutory requirements and obligations I.e., gender pay gap, and explore how we will include intersectionality, focussing on best practice such as, full ethnicity pay gap reporting by 2025. <ol style="list-style-type: none"> 1. <i>Improve current Gender pay gap reporting style; to include progress and steps taking to address inequality.</i> 2. <i>Ensuring our reporting on pay policy, gender pay gap and progress with equality strategy occurs at the same time</i> 	<ul style="list-style-type: none"> • Implement recommendations from the gender pay gap report to reduce pay gap. 	Completed	

EDI ACTION PLAN 2023-2024

This plan sets out the actions we will take to deliver Dudley Council's equality objectives identified in our Equality, Diversity, and Inclusion strategy.

Theme Four: Understanding our diverse customers and residents.

Action	Lead officer/ service area	RAG Status	Key indicators/measuring success. Quantitative and qualitative data
<ul style="list-style-type: none"> • Develop messages and campaigns to improve confidence in self-declaration of protected characteristics, where we are not representative, i.e., race/ethnicity and disability based on the new ONS data. • Ensuring our websites are accessible with support of the Dis-Ability network and Diversity network. • Accessibility awareness training to be delivered via Digital and Customer services to Dudley council officers who upload to our external web pages. • Gather relevant, proportionate, and appropriate information about our workforce equality monitoring information, in one central location, that is easily accessible to the organisation. • Creation of new Equality Impact Assessments, with Equality Impact assessment training led by an expert consultancy focusing on People Impacts. • Creation of Menopause Policy, Champions, and training available across the whole organisation 	<ul style="list-style-type: none"> • HR Service centre manager • Recruitment • Corporate Equality, Diversity, and Inclusion team. • HR Business and Intelligence • Digital and Customer services • Corporate Equalities Group • CAPA 		<ul style="list-style-type: none"> • Increase in self-declaration rate of relevant protected characteristics • Creation of EDI dashboard, where relevant information including equality monitoring is available in one centralised place. • Provide and monitor take-up of 2 EIA training sessions to take place per year; for all employees to be able to access; with updated guidance to suit and to be shared on our intranet site. • At least 1 menopause champion to be based in each directorate of the council.

EDI ACTION PLAN 2023-2024

This plan sets out the actions we will take to deliver Dudley Council's equality objectives identified in our Equality, Diversity, and Inclusion strategy.

Theme Four: Understanding our diverse customers and residents.

Action	Lead officer/ service area	RAG Status	Key indicators/measuring success. Quantitative and qualitative data
<ul style="list-style-type: none"> Continue to work with partners and the community to share our inclusion guide 'Making Dudley a Place for Everyone'. Exit interview data to be provided to the EDI team, by characteristic, monthly to be shared with Corporate Equalities Group and HR Leadership Team, by September 2023. 			
<ul style="list-style-type: none"> Demonstrate how we can use EDI data to learn more about our workforce and their experience as employees, particularly those with protected characteristics and to use this intelligence to influence decisions/create interventions. 	<ul style="list-style-type: none"> Corporate EDI Team HR Delivery and Intelligence 		<ul style="list-style-type: none"> Develop evidence-based evaluation to apply to our EDI interventions. (Case studies).

EDI ACTION PLAN 2023-2024

Theme One: Understanding our diverse customers and residents.

Action	Lead Officer(s)/Directorate	RAG Status	Key indicators /Measuring success quantitative and qualitative data
<ul style="list-style-type: none"> • Review the engagement activities used to communicate with marginalised groups within our Borough, focussing on improved accessibility to information. • Work to improve collaborative decision-making with identified community networks, partners and leaders. • Ensure engagement approaches are still based on insights of data i.e., Covid vaccinations. 	<ul style="list-style-type: none"> • Healthy Communities and Place • Public Health & Wellbeing 		<ul style="list-style-type: none"> • Building and developing ongoing trust-based relationships and enabling groups to become more active in their communities • re-establish Health Champions programme; where we connect the community with health organisation to use creative approaches to engage and improve participation in services. I.e., Promote health and wellbeing in their communities. • Share messages in trusted community leaders in specific languages and accessible formats.
<ul style="list-style-type: none"> • Use feedback from employees and customers to better understand their experiences and find out if people feel that we are making progress. 	<ul style="list-style-type: none"> • Healthy Communities and Place • Public Health & Wellbeing 		<ul style="list-style-type: none"> • Ensuring that sophisticated engagement structures will result in both formal and informal interactions between

EDI ACTION PLAN 2023-2024

Theme One: Understanding our diverse customers and residents.

Action	Lead Officer(s)/Directorate	RAG Status	Key indicators /Measuring success quantitative and qualitative data
<ul style="list-style-type: none">• Develop a range of feedback mechanisms including consultation exercises, focus groups, staff networks, surveys, and informal feedback.• Consider scope for a service users panel to ensure a consistent representative voice for protected characteristic groups			<p>our organisation and its diverse communities.</p> <ul style="list-style-type: none">• Service user panel to be delivered in years 24-25

EDI ACTION PLAN 2023-2024

Theme Two: Demonstrate inclusive leadership and accountability for delivering EDI outcomes across the organisation.

Action	Lead Officer(s)/Directorate	RAG Status	Key indicators /Measuring success quantitative and qualitative data
<ul style="list-style-type: none"> • Use EDI Data to inform inclusive leadership and accountability 	<ul style="list-style-type: none"> • EDI Team 		<ul style="list-style-type: none"> • The improvement in the collection of data will improve our ability to see where change needs to happen in the organisation and enable our leaders to understand where improvements need to be made both from a personal and organisational perspective.
<ul style="list-style-type: none"> • Engage Senior Executive Board to be mentees to a percentage of minority ethnic employees and other protected characteristics aligned with the staff networks through a reverse mentoring scheme. • Corporate EDI Team to resource and provide reverse mentoring programme for employees represented through the 4 staff networks (Diversity, Disability, Carers and LGBTQ+) 	<ul style="list-style-type: none"> • Senior Executive Board • Proud to be me network • Diversity network • Dis-ability network • Sharing our Strengths Network • EDI Team 		<ul style="list-style-type: none"> • Reverse mentoring scheme delivered to a minimum of 4 network members by implementation of the EDI Delivery Plan 2024-25 • Feedback to be collected from SEB and employees involved to pick out qualitative data
<ul style="list-style-type: none"> • Continue to review our “Leadership Development Programmes” to ensure EDI information stays fit for purpose as our organisation progresses. • Support the People Strategy 22-25 to be progressively inclusive, including the “Dudley Manager”. • Upskill managers to improved disability awareness training to understand the impacts of different 	<ul style="list-style-type: none"> • Senior Manager for Talent and Development alongside the Equality, Diversity, and Inclusion Manager • Chief Executive • Talent and Future Workforce Manager 		<ul style="list-style-type: none"> • Managers able to provide more ‘right first time’ advice and support to their teams • Reduction in number of disability-related absences and issues • Continue to support the delivery of the People Strategy across the organisation

EDI ACTION PLAN 2023-2024

Theme Two: Demonstrate inclusive leadership and accountability for delivering EDI outcomes across the organisation.

Action	Lead Officer(s)/Directorate	RAG Status	Key indicators /Measuring success quantitative and qualitative data
<p>disabilities / conditions and the support available to employees.</p> <ul style="list-style-type: none"> • Chief Executive to continue to drive inclusive messaging through Leadership Forum and as chair of the Corporate Equalities Group. • Improve our appraisal process to enable leaders to have an inclusive approach to developing a high performing workforce. • Continue to embed our workforce planning process to ensure leaders formally assess their EDI data to inform their workforce decisions • Further improve our apprenticeship measures by developing KPI's that support EDI outcomes 			
<ul style="list-style-type: none"> • Improve the mandatory e-learning offering ensuring the EDI module(s) are up to date • Use new LMS to identify gaps in EDI training and improvements including awareness and understanding around hidden disabilities / limiting conditions, intersectionality, and life experiences of residents within the borough 	<ul style="list-style-type: none"> • EDI Team • Organisational Development 		<ul style="list-style-type: none"> • Review e-learning modules reviewed regularly and updated as required to reflect the state of the nation and our ever-changing borough profile. • Monitor data from new LMS to ensure training is reaching staff and services that need it • Creation of mitigation of poverty e-learning (to support on the cost-of-living crisis).

EDI ACTION PLAN 2023-2024

Theme Two: Demonstrate inclusive leadership and accountability for delivering EDI outcomes across the organisation.

Action	Lead Officer(s)/Directorate	RAG Status	Key indicators /Measuring success quantitative and qualitative data
<ul style="list-style-type: none"> Equality Impact Assessments are completed for all new People Policies made by HR, OD & Inclusion services from April 2023, and are now built into the governance process; whilst reviewing historic policies. Review all new People Policies to ensure they are available in an accessible format. Review strategic documents to ensure they are accessible. Develop guidance to staff on commissioning / producing accessible information including in different formats and languages. 	<ul style="list-style-type: none"> HR Policy Officer EDI Team CAPA 		<ul style="list-style-type: none"> Improvements to the Equality Impact assessment process; ensuring governance is in place. <ul style="list-style-type: none"> Ongoing Equality Impact Assessment training for all employees who undertake responsibility for this. Introduction of a Council-wide approach to the Equality, Impact Assessment process by September 2023; inclusive of new templates and assessment guidance
<ul style="list-style-type: none"> Support managers undertaking the “Dudley Manager” training programme, and new Corporate and Managers induction to understand inclusive practice on managing employees who may need reasonable adjustments. Ensure information on all employee support processes (reasonable adjustments, workplace assessments, passports) is consistently available to managers and staff. 	<ul style="list-style-type: none"> People and Inclusion 		<ul style="list-style-type: none"> Launch of the Carers Passport and policy. This also seeks to address feedback from staff on the inconsistencies in management practice when supporting staff in career development.

EDI ACTION PLAN 2023-2024

Theme Two: Demonstrate inclusive leadership and accountability for delivering EDI outcomes across the organisation.

Action	Lead Officer(s)/Directorate	RAG Status	Key indicators /Measuring success quantitative and qualitative data
<ul style="list-style-type: none">• Implementation of mitigating actions identified for EDI in the Corporate Risk register	<ul style="list-style-type: none">• EDI Manager		<ul style="list-style-type: none">• Continuation of actions to mitigate against the risk rating
<ul style="list-style-type: none">• Demonstrate transparency in decision-making processes as part of our responsibilities within the Public Sector Equality Duty	<ul style="list-style-type: none">• All service areas making decisions that impact on people		<ul style="list-style-type: none">• Development of new reporting processes, e.g. EIA completion data, for internal and external audiences to show progress of EDI work across the Council

EDI ACTION PLAN 2023-2024

Theme Three: Ensuring the integration of equality objectives into the commissioning, procuring and delivery of services.

Action	Lead Officer(s)/Directorate	RAG Status	Key indicators /Measuring success quantitative and qualitative data
<ul style="list-style-type: none"> • Consider future work/projects to ensure that by 2025 equality and diversity is built into our processes and procedures around procurement and commissioning. • Review processes / documentation / pathways for consistency with EHRC guidance <ul style="list-style-type: none"> • Equality impact assessment to be completed on procurement process and commissioning. • Review social process policy • Contract management framework support. • Exploration of an action plan on how to create the appropriate guidance for our suppliers on the equality requirements for the procurement and commissioning process. • Work towards creating a model that helps to ensure that the organisations we purchase or commission services from respect equality and diversity, by creating appropriate guidance / support opportunities for our suppliers on the equality requirements for the procurement and commissioning process. • Asking suppliers can share their EDI policy – Equal treatment through procurement law. 	<ul style="list-style-type: none"> • Procurement Team • Corporate EDI Team 		<ul style="list-style-type: none"> • An exploration of sheltered workshops and understanding how we could facilitate this at Dudley • Corporate EDI Team to support procurements work in the social process policy review • Addition to the approval to procure document around engaging with community groups/ groups formed of protected characteristics • Corporate EDI Team to support on EDI elements of the contract management framework- I.e., how do we measure this impact? What do we do with contractors to ensure compliance?

EDI ACTION PLAN 2022-2023

Theme Four: An engaged workforce that reflects the diverse community we serve.

Action	Lead Officer(s)/Directorate	RAG Status	Key indicators /Measuring success quantitative and qualitative data
<ul style="list-style-type: none"> • Improve our Recruitment Practice and process • Review policy, procedure, and processes to tackle services and directorates where there is evidenced underrepresentation. • Revise the Dudley Council LinkedIn page to promote the work of the Corporate Equality Groups and Staff networks to encourage people to want to work for Dudley MBC. 	<ul style="list-style-type: none"> • Recruitment 		<ul style="list-style-type: none"> • Reduce the proportion of 'unknown' equality data we hold on our employees to help inform recruitment decisions made. • Ongoing monitoring by protected characteristic groups of recruitment data for root cause analysis • Evidence of wider pool of applicants from these groups
<ul style="list-style-type: none"> • Work with our Staff Networks, Trade unions and "equality champions" to reduce the numbers of grievances related to discrimination • Ensure EDI questions in all employee experience processes including induction, corporate or local staff surveys, exit interviews are clearly linked to existing and / or new investigative and resolution pathways. • Annually review exit monitoring interview EDI questions to identify employees' journey at Dudley MBC and relevant trends in relation to protected characteristic groups. 	<ul style="list-style-type: none"> • Corporate EDI Team • HR Leadership Team 		<ul style="list-style-type: none"> • Reduction of the numbers of grievances related to discrimination based on data provided in June 23 and June 24

EDI ACTION PLAN 2022-2023

Theme Four: An engaged workforce that reflects the diverse community we serve.

Action	Lead Officer(s)/Directorate	RAG Status	Key indicators /Measuring success quantitative and qualitative data
<ul style="list-style-type: none"> • Report our statutory requirements and obligations i.e., gender pay gap, and explore how we will include intersectionality through focussing on best practice such as full ethnicity pay gap reporting by 2025. • Review that current pay gap mechanisms are adaptable to anticipated ethnicity pay gap reporting requirements 	<ul style="list-style-type: none"> • Wider HR Team • Corporate EDI Team 		<ul style="list-style-type: none"> • That the gender pay gap is decreased year-on-year and compares favourably with neighbouring authorities' and sector results
<ul style="list-style-type: none"> • Enable access to a coaching and mentoring pool for employees protected and defined under the Equality act 2010 • Encouraging the growth of the employee networks and continuing to support as a corporate EDI Team. • Create EDI champions made from members of employee networks and others who want to champion all • Provide a physical commitment to empower cultural change and reconnect our employees. • Ensure network members and EDI champions are identifiable through e.g. lanyard pins, network logos on email footers 	<ul style="list-style-type: none"> • EDI Team • Organisational Development 		<ul style="list-style-type: none"> • Monitoring of data on take-up of coaching and mentoring offers • Monitoring attendance data for network meetings and events • At least 1 EDI Champion to be based in each directorate of the council.

Meeting of the Cabinet - 28th June 2023

Report of the Director of Regeneration and Enterprise

Dudley Playing Pitch and Outdoor Sport Strategy (PPOSS) and Dudley Strategy and Action Plan and Black Country PPOSS Overarching Strategic Framework

Purpose of report

1. This report informs Cabinet of the work included in the following documents and asks that they be adopted by the Council to inform decision making:
 - Playing Pitch and Outdoor Sport Strategy (PPOSS) for Dudley
 - Dudley Strategy and Action Plan
 - Black Country PPOSS Overarching Strategic Framework

The resulting recommendation is required to ensure that the Council has an adopted up-to-date assessment and strategy to improve, invest in and protect playing pitches and outdoor sports sites.

Recommendations

2. It is recommended that the Cabinet adopts the following documents that will be used to make decisions and target investment in Dudley in relation to Playing Pitches and Outdoor Sports:
 - Playing Pitch and Outdoor Sport Strategy (PPOSS) for Dudley
 - Dudley Strategy and Action Plan
 - Black Country PPOSS Overarching Strategic Framework

Background

3. In March 2021 Dudley along with the other Black Country authorities (Wolverhampton, Walsall and Sandwell) commissioned Consultants KKP to carry out a Playing Pitch and Outdoor Sport Strategy (PPOSS) and Strategy and Action Plan for each of the four boroughs, as well as a Black Country PPOSS Overarching Strategic Framework. The work was commissioned as evidence base for the Black Country Plan. This work will now be used to support the Dudley Local Plan 2041.

Playing Pitch and Outdoor Sport Strategy (PPOSS) for Dudley

4. This document presents a supply and demand assessment of playing pitch and outdoor sports facilities in accordance with Sport England's Playing Pitch Strategy (PPS) Guidance.
5. A wide range of playing pitch and outdoor sports and associated facilities were agreed for inclusion in the PPOSS in Dudley and across all four Black Country authorities. In full, the study covers:

- Athletics
- Cricket
- Football (including 3G pitches)
- Hockey (sand/water based AGPs)
- Rugby union (including 3G pitches)
- Tennis
- Bowls
- Cycling
- Golf
- Netball
- Rugby league (including 3G pitches)
- Water sports (e.g., sailing and water skiing)

6. The Dudley PPOSS sets out the key issues for all of the sports set out in the above section. Some key issues to take from the report are:

-Football - The PPOSS highlights that there is a shortfall in Grass Pitch provision for football, and likely to increase with future demand. There is also limited spare capacity present in the supply of 3G pitches when teams require access for football training purposes.

-Cricket – Some cricket squares have potential spare capacity however none have capacity for senior cricket on a Saturday. There is overall spare capacity during midweek for junior cricket, for senior cricket senior cricket, both current and future shortfalls are evidenced at weekends.

-Rugby Union – There is currently sufficient provision in the borough, due to no affiliated rugby union demand taking place. Often clubs outside the borough draw players from Dudley, their capacity issues and development aspirations, these can likely be resolved at their existing sites.

-Hockey – Focus should be placed on ensuring at least one suitable venue for hockey is provided within Dudley.

-Tennis - no non-club courts are identified as have any capacity issues, precedence should be placed on improving quality to an adequate standard for informal play, particularly at publicly available sites hosting multiple courts.

-Netball - Whilst there is a large quantity of netball courts provided in Dudley, the majority serve no purpose outside of curricular and extra-curricular demand due to a variety of factors including poor quality, a lack of floodlighting and being unavailable for community use. Dudley Netball League has expressed an interest in being able to play in the borough

-Cycling - High demand for cycling is identified within Dudley, both currently and taking into account latent demand. As such, the track at Manor Abbey Stadium requires protection, with some level of improvement required to ensure that the provision remains adequate. Furthermore, it is imperative that other cycling activity is supported given the on and off-road cycling taking place.

-Athletics - There is high demand for athletics and running in Dudley, as evidenced by the numerous clubs in existence and the variety of events held. However, there is also a good level of supply, with two purpose-built tracks provided that are well located to accommodate demand from across the Borough. Priority should be placed on protecting the tracks at the Dell Stadium and Manor Abbey Stadium, rather than developing additional provision, and ensuring that they remain of a sufficient quality to accommodate the levels of demand received.

Dudley Strategy and Action Plan

7. This document builds upon the preceding Assessment Report providing a clear, strategic framework for the maintenance and improvement of existing playing pitch and accompanying ancillary facilities up to 2039 (the previous BCP plan period). The Strategy and Action Plan recommends several priority projects for Dudley which should be realised over this period. It provides a framework for improvement and, although resources may not currently be in place to implement it, potential partners and possible sources of external funding which can assist are suggested.
8. From a quantitative perspective, the existing position for each sport is either that demand is being met or that there is a shortfall, whereas the future position shows the creation of shortfalls for

some pitch types and in some areas where demand is currently being met, alongside the exacerbation of existing shortfalls. Some level of shortfall is identified for all football pitch types, 3G pitches, cricket squares, hockey suitable artificial grass pitches (AGPs), tennis courts and netball courts.

9. Where demand is being met, this does not necessarily equate to a surplus of provision, with any spare capacity instead considered to be a solution to overcoming current or future shortfalls. There is a resultant need to protect all existing outdoor sport provision until all demand is met, or there is a requirement to replace provision in accordance with the National Planning Policy Framework (NPPF) and Sport England's Playing Fields Policy.
10. For the most part, the shortfalls identified can be met by better utilising current provision, such as through improving quality, re-configuration, installing additional floodlighting, improving ancillary facilities and enabling access to existing unused provision, such as at unavailable school sites. However, there is a shortfall of 3G pitch and hockey suitable AGPs that can likely only be met through increased provision. With resources to improve the quality of grass pitches being limited, particularly at sites managed by the Council, an increase in such provision could also help reduce grass pitch shortfalls through the transfer of play, which in turn can reduce overplay and aid pitch quality improvements.
11. The document sets out sport and pitch specific recommendations for all of the sports set out in the Assessment Report. Alongside this it sets series of aims and strategic recommendations reflect overarching and common areas to be addressed, which apply across playing pitch facilities and may not be specific to just one sport. A site-by-site action plan seeks to address key issues identified in the assessment report. The report also includes a scenario to demonstrate how development would generate demand for provision and the potential costs associated with this. The scenario is based on – Development of Ketley Quarry/Ketley Farm, Dudley Road, Kingswinford - 612 dwellings.
12. An artificial (sand based) pitch was identified at the Coseley Leisure Centre suitable for playing Hockey. Due to the level of exported demand from Dudley, there is a need for at least one suitable venue for hockey within Dudley. Shireland Academy have committed to retaining this provision and developing community outreach. A suitable alternative location would need to be identified if the pitch was re-developed in the future at this site.

13. The strategy and action plan has been developed in partnership with colleagues in Greencare and representatives of the different sports governing bodies, including Sport England. A number of the priorities and recommendations have been agreed with our partners for both investment and development for the sports facilities on Parks and Open Spaces, which include capital improvements and the ability to fund projects to support the improvement of our playing surfaces going forward.
14. A number of these projects rely on the Council providing a percentage of match funding and the PPOSS takes a holistic approach across all the sporting disciplines within the borough and allows colleagues within Greencare to focus on the priorities of most need.

Black Country PPOSS Overarching Strategic Framework

15. This document brings the findings of the four Black Country studies together to provide an Overarching Strategic Framework. This can be used to address sub-regional issues, guide relevant planning policy and to ensure cross-boundary and collaborative working. This document and the recommendations within it have been put forward based on the evidence that has been gathered as part of the delivery of each individual PPOSS.
16. However, it is recognised that not everything will be actionable by all of the authorities, at least in the short-term. It should instead be used as a long-term document that can assist, where possible, with guiding future actions when it comes to playing pitch and outdoor sports facilities. The main objectives of the study not limited to but included:

- Identify current supply and demand issues for sport and recreation facilities in the Black Country, based on quality, quantity, and accessibility.

- Enable the Councils to plan appropriately for the protection and/or enhancement of existing sport and recreation facilities and identify sites best suited for development/ new provision or refurbishment in future Local Plan priorities.

- Make strategic proposals for local authority-controlled facilities such as investment in new and enhanced facilities and rationalisation, including cross-boundary co-ordination of local authority provision if appropriate.

- Help inform wider fixed asset/property reviews

- Act as a tool for the four authorities and partner organisations to guide resource allocation and investment and set priorities for sports moving forward

-Assess the continued value of retaining land for playing pitches where the land has high potential development value for other uses, subject to ensuring compliance with relevant planning policy.

17. The study then looked at the number, condition and supply and demand of the sports in previous reports across the Black Country as a whole, this helped to inform where there is cross boundary demand for facilities, and how the councils should look to retain demand through a choice of faculties rather than it being exported outside of the area. For example, Cradley Town FC uses a number of sites in Sandwell due to a lack of availability in Dudley. The study goes on to make individual recommendations on a sport-by-sport basis.
18. A set of strategic recommendations have been developed via a combination of information gathered during consultation, site visits and analysis, which culminated in the production of the individual assessment reports and the individual strategies. They reflect overarching and common areas to be addressed across the Black Country and apply across all outdoor sports facilities, rather than being specific to one sport. They fall under three broad aims based on Sport England themes and then contain a series of recommendations below this to help achieve the aims. They are:
 - **AIM 1 To protect** the existing supply of outdoor sport facilities where it is needed to meet current and future needs.
 - **AIM 2 To enhance** outdoor sport facilities and ancillary facilities through improving quality and management of sites.
 - **AIM 3 To provide** new outdoor sport facilities where there is current or future demand to do so.
19. The overarching action plan then sets out options for consideration with regards to improving facilities, improving security of tenure, securing developer contributions, and adding to the existing stock of facilities. These were chosen as they are considered to relate to each local authority, although the extent to which may vary across each area.

Finance

20. The total cost of the work was £62,475. The cost of which was shared between the Black Country Plan Budget, and the four Black Country Parks and Green spaces Departments. Alongside this was an award of £5,000 from Active Black Country and a grant of £15,000 from Sport England. The final part of the grant will be paid when all four authorities adopt the work.

Law

21. This piece of work is a key element for the evidence base of Dudley Local Plan 2041 work. The potential for planning decisions to be challenged increases where it can be shown that Local Plan allocations are based on out-of-date or incomplete information. Ensuring that there is current information relating to the Borough's Playing Pitches and Outdoor Sports Facilities, reduces this risk.
22. Section 111 of the Local Government Act 1972 which allows the Council to do anything that is calculated to facilitate or conducive to the discharge of statutory functions. Section 1 of the Localism Act 2011 which provides Councils with the general power of competence to do anything that individuals generally may do, subject to Sections 2 to 4, and Section 105, 117-123 of the Charities Act 2011 which gives power to authorise dealings with charity property.

Risk Management

23. There are not considered to be any material risks from this report.

Equality Impact

24. There are no Equality Impact Implications arising directly from this report. However, an Equality Impact Assessment will be undertaken at all stages of any projects being implemented.

Human Resources/Organisational Development

25. There are no HR/OD impacts resulting from the report as any requirements will be managed from within existing resource in line with the timescales outlined.

Commercial/Procurement

26. There are not considered to be any commercial/procurement implications because of this report. A Procurement exercise took place using Sandwell procurement guidelines to support the Black Country Plan work.

Environment/Climate Change

27. Local playing pitches and outdoor sports sites form an important part of the borough's green infrastructure, and open space network. They encourage physical activity and participation in team sports. Protecting and enhancing

these sites will help the Councils work to address Climate Change and achieve our Net Zero target by 2041.

Council Priorities and Projects

28. The protection and enhancement of playing pitches and sports sites will assist with current wider Council and Borough activity and projects including:

- Climate Change and our Net Zero target by 2041
- Public Health and Wellbeing
- Green spaces and the safety of the community



Helen Martin
Director of Regeneration and Enterprise

Report Author: Kaliegh Lowe
Telephone: 01384 814172
Email: Kaliegh.lowe@dudley.gov.uk

Appendices

Appendix 1 – Playing Pitch and Outdoor Sport Strategy (PPOSS) for Dudley

Appendix 2 - Dudley Strategy and Action Plan

Appendix 3 - Black Country PPOSS Overarching Strategic Framework

List of Background Documents

As per appendices

Meeting of the Cabinet – June 2023

Report of the Director of Regeneration and Enterprise

Residential Design Guide Supplementary Planning Document (SPD)

Purpose of report

1. To seek Cabinet approval for the adoption of the amended Residential Design Guide SPD

Recommendations

2. It is recommended that the Cabinet approves the Residential Design Guide SPD as set out in Appendix 1 for adoption.

Background

3. The existing 'New Housing Development Supplementary Planning Document (SPD)' was adopted in 2007 and updated in 2013. The aim of the SPD is to provide guidance in relation to residential design and density, ensuring that local context and distinctiveness help define successful housing development. The revised SPD will be used to inform decisions on planning applications relating to new residential developments as well as household extensions and other residential related uses.
4. The updated SPD will incorporate the Council's Planning Guidance Note (PGN) 17 – 'House Extensions' thus bringing all guidance relating to new housing developments and residential extensions into one document. Additionally, it will reflect revisions to the National Planning Policy Framework (NPPF) regarding the importance of design and sustainability and ensure that the guidance is future-proofed against further changes to local and national policies.

5. The updated SPD will be retitled 'Residential Design Guide' SPD and intends to provide localised guidance with respect to design and density to ensure that residential applications, including new housing development and householder extensions, respect local character and identity of the borough and achieve a high level of design.
6. The SPD includes new sections and guidance to address changes to people's living and working environments following the Covid-19 Pandemic, such as a move to greater home working and running a business from home. It also includes guidance in relation to the Council's approach to assessing applications for Homes of Multiple Occupancy (HMOs) and Children's Care Homes.
7. The updated SPD continues to include details of appropriate density for housing development and provides new guidance on the implementation of high-density developments. This is to ensure that any future high-density schemes are located in appropriate locations and achieve a high level of design.
8. It should be noted that the new SPD does not include any new housing allocations or housing related policies but instead provides guidance and additional details for applicants and their agents when submitting planning applications for residential development.

Consultation

9. Following Cabinet approval on 14th December 2022, the draft SPD was subject to a six-week public consultation from 9th January 2023 to 20th February 2023. During the consultation period a total of 12 representations were received and a number of comments made within these representations have been incorporated into the final SPD (Appendix 1), as appropriate.
10. In accordance with the Town and County Planning (Local Development) (England) Regulations (as amended), the council must make available for inspection the finalised SPD, the Consultation Statement setting out the main issues raised from the representations received and how these have been addressed in the SPD, as well as an Adoption Statement.
11. A list of comments received from the public consultation, as well as the Council's response to them are included within the Consultation Statement (Appendix 2)

12. If approved for adoption, the SPD will be used to inform decisions on planning applications and will be made available on the Council's planning policy web pages.

Finance

13. All costs associated with the review and adoption of the Residential Design SPD will be funded from existing budgets and resources.

Law

14. Following consultation and adoption the 'Residential Design SPD' update will become a material consideration in the determination of planning applications. The SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Development) (England) Regulations (2012).

Risk Management

15. There are not considered to be any material risks from this report.

Equality Impact

16. A screening Equalities Impact Assessment has been undertaken and is attached in Appendix 3. The assessment found that the SPD had no specific impacts on protected characteristics. The Residential Design Guide SPD will lead to improved, well designed, and accessible new developments.
17. The SPD provides guidance relating to the mix and type of tenures which will have a positive impact on younger people's needs as well as older people.

Human Resources/Organisational Development

18. It is considered that there is no additional human resources or organisational development implications resulting from this report. Work on the Residential Design SPD is carried out by the Planning Policy Team in the Regeneration & Enterprise Directorate with assistance from officers in other Departments where necessary.

Commercial/Procurement

19. There are not considered to be any commercial/procurement implications because of this report.

Environment/Climate Change

20. Meeting the challenge of climate change is a core principle of the Residential Design SPD. The SPD states that places should be shaped in ways that 'contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Council Priorities and Projects

21. The SPD will support the Council's priorities to be the 'Destination of Choice' and the 'Safe and Healthy Borough' by ensuring housing developments that are well designed, more accessible and built to higher environmental standards that reduces emissions and creates a sense of place.
22. In addition, the proposed interventions will support the aspirations of the Dudley Borough Vision 2030 by creating healthy, attractive environments where people want to live and have opportunities for recreation from their doorstep.



Helen Martin
Director of Regeneration & Enterprise

Report Authors: Robyn Bennett
Telephone: 01384 81
Email: robyn.bennett@dudley.gov.uk

Elizabeth Vesty
Telephone: 01384 817213
Email: Elizabeth.vesty@dudley.gov.uk

Appendices

- Appendix 1 – Residential Design SPD (June 2023)
- Appendix 2 – Consultation Statement (May 2023)
- Appendix 3 – Residential Design Supplementary Planning Document – Equalities Impact Assessment May 2023

List of Background Documents

- New Housing SPD (2013) - <https://www.dudley.gov.uk/media/6495/final-new-housing-spd-2013-web.pdf>
- Planning Guidance Note 17 – Housing - <https://www.dudley.gov.uk/media/6580/planningguidancenote17.pdf>

Meeting of the Cabinet – 28th June 2023

Report of the Director of Regeneration and Enterprise

Nature Conservation Site – Dudley No1 Canal

Purpose

1. This report informs Cabinet of the results and recommendations of an ecological survey carried out for Dudley No1 Canal (Brierley Hill Section) the canal required an up-to-date ecological survey to establish if the previously identified existing ecological habitat status remained valid and appropriate.

The resulting recommendation is required to ensure that the Council's Local Plan and planning decision making is based on up-to-date evidence and can continue to be used as the basis for robust and defensible planning decisions.

Recommendations

2. It is recommended that the Cabinet: -
 - Approve the proposed upgrade of a section of the Dudley No1 Canal from Sites of Local Importance for Nature Conservation (SLINC) to Sites of Importance for Nature Conservation (SINC), to be known as Delph Locks SINC;
 - Note the proposal to retain the northern section of the canal as SLINC (detailed in section 3 of this report);
 - Approve the de-designation of the central area of SINC at Ketley Quarry, pending endorsement from the Birmingham and Black Country Local Sites Partnership and delegate the decision to the Cabinet Member and Director for Regeneration and Enterprise.

Background

3. Sites of Importance for Nature Conservation (SINC's) and Sites of Local Importance for Nature Conservation (SLINC's) are designations identified in Dudley Council's adopted Dudley Borough Development Strategy 2017 (DBDS, 2017) and form part of the Borough's environmental infrastructure.

Environment infrastructure also includes green space, community parks, canal corridors, and Local Nature Reserves (LNRs). Incorporating environmental infrastructure principles into Local Plan documents will help meet the existing adopted Black Country Core Strategy 2011 vision for environmental transformation.

4. The most important sites outside the statutory system are designated as SINC's for their regionally important nature conservation interest across the West Midlands. SINC's can be designated for both their ecology and geological interest. These are sites of substantive nature conservation values in the context of Birmingham and the Black Country.
5. SLINC's and SINC's do not receive statutory protection but are protected from harm by local policy set out in the Dudley Borough Development Strategy, (DBDS, 2017), the existing adopted Black Country Core Strategy (BCCS, 2011) and the National Planning Policy Framework (NPPF, 2021). Therefore, they are crucial in maintaining and enhancing the Borough's environmental infrastructure and ecological habitats.
6. Sites that support important wildlife habitat and geological features, form links between protected sites, and are part of the overall network supporting biodiversity are identified as SLINC's. SLINC's are of significance at the Ward to Borough level and frequently form important links between other designated nature conservation sites. Examples of SLINC's that are important linear features are canals and watercourses.
7. It is important that there is a robust, accurate, up-to-date, and defensible evidence base in place in relation to the nature conservation habitat quality, and ecological condition of both existing designated nature conservation sites and those areas of green space which currently have no designated nature conservation value in Dudley Council's adopted Local Plan – DBDS 2017 but may have potential to provide important habitats for wildlife and could therefore be upgraded to SLINC's or SINC's.
8. For these reasons the Dudley No1 Canal (Brierley Hill Section) has been subject to an ecological survey by independent suitably qualified ecologists so the Council can ensure that its records and information on the condition and habitat quality of sites is kept up-to-date, and accurate. This is in line with the National Planning Policy Framework (NPPF) 2021 and Dudley Council's Nature Conservation Supplementary Planning Document (SPD) 2016.

9. The proposal for the updated designation has been endorsed by the Birmingham and Black Country Local Sites Partnership (LSP) which is advisory body made up of ecologists and local representatives to ensure that site selection and designation is constant across the area and that sites are meeting the relevant criteria to be designated as a SINC or SLINC.
10. The report will now deal with the site outlined in the recommendations, to provide more details on the proposed boundary changes:

Dudley No1 Canal (Brierley Hill Section)

11. This site was surveyed to support the preparation of the Local Plan. The site runs from the A4036 road bridge at its most northerly point along the canal and through the 'Waterfront' canal basin and commercial area at Merry Hill and along to the road bridge of the B4172. The site boundary follows the canal edge at the north and widens at the southern end to encompass a small area of woodland and scrub surrounding the Delph Locks.
12. The canal is a Nature Conservation feature within Brierley Hill Strategic Centre, it acts a connective linear wildlife corridor in the urban area providing links to Saltwells and Fens Pool nature reserves. The canal also has considerable historical, landscape and amenity value for the local area. The site has interesting features with diverse grassland and aquatic flora, as well as being a good site for bird species. The majority of the linear site is the open water of the canal.
13. It is recommended that the southern part of the site surrounding the flight of the Delph locks is upgraded to a SINC (to be known as Delph Locks SINC) due to the diversity of species and mosaic of terrestrial habitats. It is also recommended that the northern canal line section remains as a SLINC.

Ketley Quarry

14. At the time of a survey to update ecological records in 2018 the quarry was still in a semi-operational mode, with planning permission in place for phased mineral extraction to take place until 2042. (P12/0773 Review of conditions attached to planning permission 97/50322 for the extraction of marl and subsequent restoration in accordance with the Environment Act 1995). At this time, engineered and phased infilling of the quarry void had also commenced, in conjunction with an acknowledgement that the economic extraction of Marl was becoming prohibitive due to a dramatically increased depth of the mineral formation.

15. The final restoration proposals for the quarry had also previously been approved under application 97/50322/C2, which discharged condition 23 of the original operational approval relating to this requirement.
16. The ecological survey of 2018 therefore confirmed the existence of Ephemeral/short perennial grassland within the central area of the site which had been designated as a SINC in the Dudley Development Strategy of 2017.
17. Due to the approved operational activities and restoration requirements of the quarry site, it was accepted that the central area covered by the SINC designation would necessarily be removed at some point in time, and due to geological/economic issues, the restoration phase of the quarry was therefore implemented at an earlier stage than anticipated. Essential engineering operations to ensure the future beneficial use and restoration of the quarry therefore progressed and had removed the central area of the site by mid-2019. To acknowledge this fact, the SINC designation of the central area of the site now needs to be de-designated.
18. The former quarry site has now been the subject of a fully engineered restoration, which will allow for future re-development for housing. An outline planning application for the redevelopment of the site for up to 650 houses (P22/1734) has been submitted and is currently the subject of consideration. De-designation of the central area of SINC will acknowledge the necessary and authorised removal of the designation in question and the consideration of such in the determination of the above planning application. De-designation of the central area of SINC will not impact upon the existing area of SLINC (wooded area) to the east of the site or the SINC that runs alongside this. The geological Site of Special Scientific Interest (SSSI) to the north, also remains unaffected and will be retained within the above outline planning application.

Finance

19. The costs of undertaking the survey were funded from existing budgets and resources.

Law

20. This piece of work is a key element for the evidence base of Dudley Local Plan work. The surveying of existing SINC and SLINC is also essential to ensure that such designations are based on robust and up-to-date evidence.

21. The potential for planning decisions to be challenged increases where it can be shown that Local Plan allocations are based on out-of-date or incomplete information. Ensuring that there is current information relating to the Borough's inventory of nature conservation sites, including SINC's and SLINC's, reduces this risk.
22. In addition, the Natural Environment and Rural Communities Act 2006 (NERC Act) and the Wildlife and Countryside Act 1981 (as amended) both place a legal duty on local authorities to conserve and protect biodiversity in the exercise of their functions.

Risk Management

23. There are not considered to be any material risks from this report.

Equality Impact

24. The content of this report complies with the Council's policy on Equality and Diversity given that the Ecological Survey play an important role in helping to conserve and protect important wildlife sites from inappropriate development pressures within the Dudley Metropolitan Borough.

Human Resources/Organisational Development

25. There are no HR/OD impacts resulting from the report as any requirements will be managed from within existing resources.

Commercial/Procurement

26. There are not considered to be any commercial/procurement implications because of this report.

Environment/Climate Change

27. Climate change, environmental and sustainability matters form a core element of any development plan. Updating and surveying nature conservation sites will support this work and ensure up to date information is available.

Council Priorities and Projects

28. The designation of this site will assist with current wider Council and Borough activity and projects including:

- Climate Change and Net Zero target by 2041
- Green spaces and the safety of the community



Helen Martin
Director of Regeneration & Enterprise

Report Author:

Kaliegh Lowe
Telephone: 01384 814172
Email: Kaliegh.lowe@dudley.gov.uk

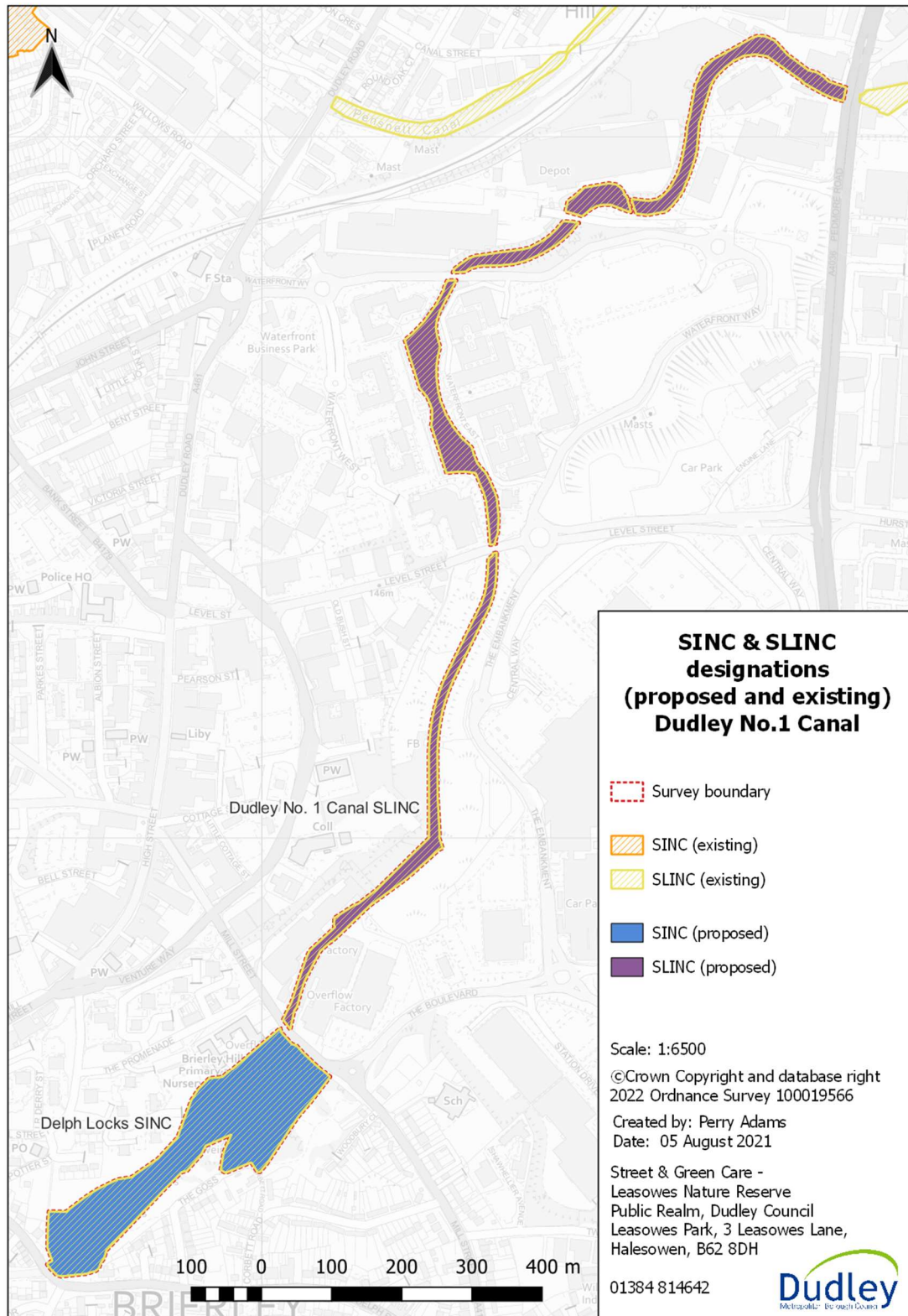
Appendix One – Site Designation Maps

List of Background Documents

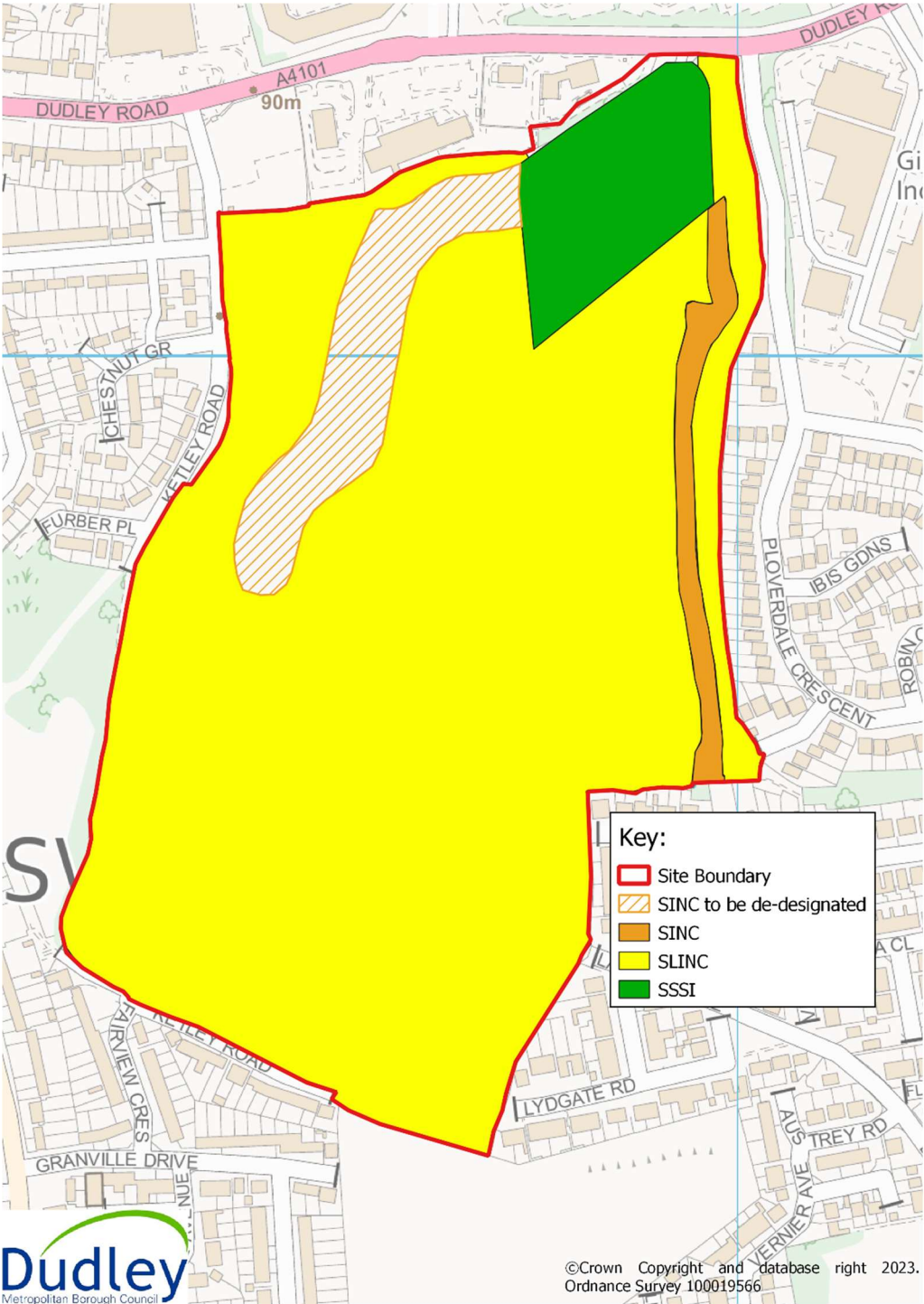
Dudley No1 Canal - Birmingham & Black Country Local Sites Assessment
Report

Appendix 1 – Nature Conservation Designation Map

Map 1 – Dudley No1 Canal proposed designation plan



Map 2 – Ketley Quarry proposed changes to designations



Meeting of the Cabinet 28th June 2023

Report of the Director of Regeneration & Enterprise

Recommendations for Article 4 Direction for Houses in Multiple Occupation (HMOs)

Purpose of report

1. Consideration of consultation responses and confirmation of Article 4 Direction in relation to small Houses in Multiple Occupation.

Recommendations

2. It is recommended that the Cabinet authorises the Director for Regeneration and Enterprise to confirm an Article 4 direction which will be applied to the Council's administrative area (borough wide) to remove Permitted Development Rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use) to come in to force on 15th September 2023.

Background

3. On the 11th October 2021, Councillors voted on a motion that "*Given the negative impact that the uncontrolled proliferation of HMOs can have on a geographical area..... 1. The Director for Regeneration and Enterprise be requested to gather the evidence base required for a decision to be made on the introduction of an Article 4 Direction*". As such Officers were tasked with gathering necessary evidence to enable Councillors to determine whether additional controls are required in respect of Smaller HMO's.
4. At the meeting of the Cabinet on 29th June 2022 the Director for Regeneration and Enterprise was authorised to prepare a non-immediate Article 4 direction which will be applied to the Council's administrative area

(borough wide) to remove Permitted Development Rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use) as well as publicising and consulting the Article 4 Direction for 6 weeks.

5. A non-immediate Article 4 direction allowed all consultation views to be taken into account before the direction was confirmed. It would also reduce or eliminate the likelihood of compensation being payable to affected landowners under sections 107 and 108 of the Town and Country Planning Act 1990. The use of an immediate direction could have considerable compensation implications. The Article 4 Direction would therefore not come into force if confirmed before 15th September 2023.
6. In order for such a Direction to come into effect, the Council must have first undertaken a consultation exercise and any representations must be considered when the Cabinet decides whether to confirm the Direction or not. This report summarises the representations received to allow Cabinet to make an informed decision on whether the Direction should be confirmed and whether this should be within the timescales set out in the Cabinet report dated the 27th June 2022 and subsequently at Planning Committee on 12th September 2022.

Article 4 Direction Consultation Process

7. Following the making of the Direction on the 14th September 2022 the consultation period was open from the 15th September to 31st October 2022. A copy of the Direction (with map) as made appears at Appendix 1 to this report.
8. The following actions were taken:
 - A Legal notice was placed in the Express and Star newspaper;
 - Site notices were placed in the main town and district centres in the borough;
 - Applicants who had previously applied for HMOs and consultees on the planning consultation database were contacted via email or letter to inform them of the consultation;
 - Tenants and Residents Associations were informed of the consultation
 - The consultation was advertised on the Council's Website.
9. The consultation process was therefore fully compliant with the Town and Country Planning (General Permitted Development) Order 2015.
10. In total four representations were received. One supported and welcomed the Article 4, and three raised concerns about the proposed changes.

11. The main themes arising from the representations were as follows:
- The Article 4 would cause more delays and cost
 - The association between anti-social behaviour and HMOs is an implied causal link
 - The Article 4 would disadvantage single men who are typical users of HMO's
12. It is not considered that any of the issues raised through the representations outweigh the recommendation that the Article 4 direction be Confirmed. The introduction of the Article 4 is not restricting small HMOs but means that, as set out above, the Permitted Development Rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use) will be removed and planning permission will need to be sought for this use. As a result, smaller HMO's would be dealt with in the same regard as larger HMO's currently are by requiring planning consent.
13. The Secretary of State for Levelling Up, Housing and Communities was notified on 15th September 2022 of the intention to introduce the Article 4 direction and the commencement of the consultation process. We have since been informed that officials acting on behalf of the Secretary of State, have reviewed the HMO Article 4 direction and the evidence provided. They do not intend to take any further action. However, it should be noted that this does not preclude the Secretary of State using their powers to intervene in the future. Although an Article 4 direction can remain in place permanently once it has been confirmed, local planning authorities should regularly review their Article 4 directions to ensure that the original reasons for the direction remain valid. Where an Article 4 direction is no longer necessary it can be cancelled by the local planning authority. Any such process would be subject to the relevant approval processes as set out in the constitution at the time.

Finance

14. There are two types of Article 4 direction: immediate and non-immediate. A non-immediate direction as proposed allowed consultation views to be taken into account before the direction is confirmed. It also reduces or eliminates the likelihood of compensation being payable to affected landowners under sections 107 and 108 of the Town and Country Planning Act 1990. The use of an immediate direction would have had considerable compensation implications.

15. Therefore, it was previously recommended and approved by Cabinet and Planning Committee that an Article 4 direction on a non-immediate basis be enacted.

Law

16. The recommendations made have been informed by the requirements of the Town and Country Planning Act 1990, and the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
17. Furthermore, in considering the appropriateness of a borough-wide Article 4 direction regard has been had to the Council's Equality Duty under S149 of the Equality Act 2010. The use of the Article 4 will not eliminate a much-needed housing tenure from the borough but will ensure the appropriate provision in areas of need.

Risk Management

18. As previously set out in the Cabinet report from June 2022 there is a reduced risk of claims for compensation for costs associated with the Article 4 as a non-immediate order that has been pursued. However, there are also mechanisms within Section 108 of the Town and Country Planning Act 1990 that reduce this risk, such as where notice is given of the Order not less than 12 months before the Direction takes effect.
19. This report ensures that following the 6-week consultation, the details of the outcome of the consultation, and any recommendations resulting from that, are reported to Cabinet for decision before the expiry of 12 months from the date that the Notice of the Article 4 Direction was first made (14th September 2022).

Equality Impact

20. There are no Equality Impact Implications arising directly from this report. However, an Equality Impact Assessment was undertaken in the Making of the Article 4 Direction and then at any future stages of any projects being implemented.

Human Resources/Organisational Development

21. The proposals contained in this report will not directly impact on either the Council's current Human Resources or required future resources. Any work arising from this decision will be from existing internal resources which provide the necessary flexibility in the effective delivery of the Council's Services under changing external circumstances.

Commercial/Procurement

22. Any procurement required will comply with DMBC's Contract Standing Orders (which are fully compliant with Public Sector and OJEU procurement rules and guidelines) and all funders' requirements. There are no direct commercial implications associated with this report.

Environment/Climate Change

23. There are no impacts upon environment and climate change from the Article 4.

Council Priorities and Projects

24. The confirmation of this borough wide Article 4 direction is considered to accord with the following Council priorities:

Support the priority to 'Support stronger and safe communities' and in addition the proposed interventions will support the aspirations of the Dudley Borough Vision 2030 by creating healthy, attractive environments



Helen Martin
Director of Regeneration & Enterprise

Report Author: Kaliegh Lowe
Telephone: 01384 814172
Email: Kaliegh.lowe@dudley.gov.uk

Appendices

Appendix 1 – Map and Made sealed Article 4 Direction
Appendix 2 – Legal Advert

The Direction
THE BOROUGH COUNCIL OF DUDLEY

**Direction made under Article 4(1) of the Town and Country Planning
(General Permitted Development) (England) Order 2015 (as amended)**

**Non immediate Borough-wide Article 4 Direction 2022
Houses in Multi Occupation**

WHEREAS THE BOROUGH COUNCIL OF DUDLEY ("the Council") being the appropriate Local Planning Authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended) ("the Order") is satisfied that it is expedient that the development of the description set out in the First Schedule below should not be carried out on the land within the Borough of Dudley ("the Land") described in the Second Schedule below unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

And WHEREAS the Council considers that development of the said description would be prejudicial to the proper planning of its area and would constitute a threat to the amenities of its area and that the provisions of Schedule 3 paragraph 2 (1)(a) of the Order apply.

NOW THEREFORE the said Council in pursuance of the power conferred on it by Article 4(1) of the said Order hereby directs that the permission granted by Article 3 of the said Order shall not apply to development of the description set out in the First Schedule on the Land specified in the Second Schedule unless planning permission is granted by the Council.

("The Development")


The Direction and removal of permitted development rights applies in respect of land described in the Second Schedule to development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C4 (houses in multiple occupations) of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended), being development comprised within Class L of Part 3 of Schedule 2 to the Order, within the Council boundary.

("The Land")


This Direction relates to the whole of the Borough of Dudley as shown (edged red) on the Plan attached to this Direction.

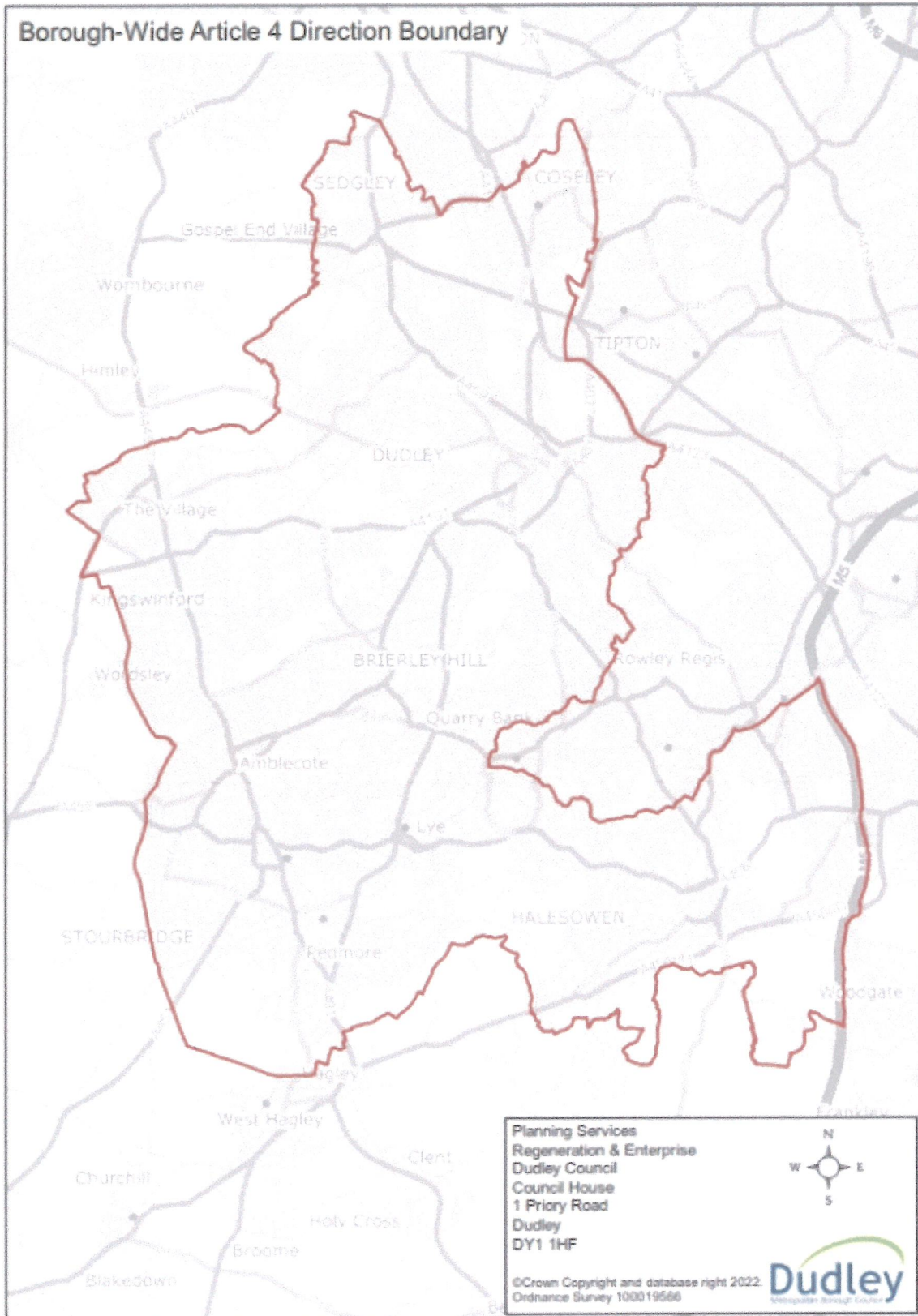
MADE under **THE COMMON SEAL** of)
THE BOROUGH COUNCIL OF DUDLEY)
 this 14th day of September 2022)

THE COMMON SEAL of THE BOROUGH)
COUNCIL OF DUDLEY was hereunto)
affixed in the presence of: *Jo White, clerk.*)


PRINCIPAL LAWYER
RICHARD CLARK




PRINCIPAL LAWYER
Richard Clark



CONFIRMED under THE COMMON)
SEAL of THE BOROUGH COUNCIL OF)
DUDLEY this day of)
in the presence of

THE COMMON SEAL of THE BOROUGH)
COUNCIL OF DUDLEY was hereunto)
affixed in the presence of:)

Public Notices



THE BOROUGH COUNCIL OF DUDLEY
TOWN AND COUNTRY PLANNING (GENERAL
PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015
(as amended)

PUBLIC NOTICE
NOTICE OF MAKING OF A BOROUGH-WIDE DIRECTION UNDER ARTICLE 4(1)
HOUSES IN MULTI OCCUPATION

NOTICE IS GIVEN by the Borough Council of Dudley (“the Council”) being the appropriate local planning authority that it has made a Direction under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the Order”)

The Direction was made on 14th September 2022 and is subject to the further consideration of any representations received during the consultation period and thereafter will come into force, subject to confirmation by the Council, on 15th September 2023.

The Direction applies to development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C4 (houses in multiple occupations) of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) (“the Order”) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Order, being development comprised within Class L of Part 3 of Schedule 2 to the Order within the Borough of Dudley.

The effect of the Direction is that planning permissions granted by Article 3 of the Order shall not apply to development described above and such development shall not be carried out within the Borough of Dudley unless planning permission is granted by the Council on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

A copy of the Direction and a plan showing the area to which it relates may be seen at the offices of the Council at Dudley Council House, 1 Priory Road, Dudley, DY1 1HF during normal office hours. Alternatively a copy of the Direction, including the plan showing the area to which it relates can be viewed: **Online: <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/>**

Any objection or representations concerning this Direction should be submitted in writing to the above address (Ref: HMO – Article 4 Direction) or by email to planning.policy@dudley.gov.uk from the 15th September 2022 until Monday 31st October 2022 by no later than 5pm. We are not able to accept anonymous comments - you must provide us with your name and contact details. Please note that any representations received will be of public record and may be published. Any personal data will be processed in line with the Strategic Planning Privacy Notice, available on the council’s website.

DUDLEY METROPOLITAN BOROUGH
THE TOWN & COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
NOTICE UNDER ARTICLE 15
PLANNING (LISTED BUILDINGS & CONSERVATION AREAS)
REGULATIONS 1990

These applications affect the character or appearance of a Conservation Area or the setting of a Listed Building.

P22/1204 – The Occupier for Erection of replacement Shed at 19, Farlands Road, Oldswinford, Stourbridge, DY8 2DD

P22/1244 – The Occupier for Single storey rear and side extension (following part demolition of kitchen) (Resubmission of Withdrawn application P22/0925) at 29, Wood Street, Wollaston, Stourbridge, DY8 4NN

Anyone wishing to make representations about these applications should write to the address below or submit direct on the website within 23 days of the date of publication of this notice. Please note that any comments made will be published in full on the Internet. When responding electronically, please send your comments as attachments if you do not wish your e-mail address or telephone number to be published. However, please include your name and address, the application number and site address in any correspondence/attachment sent to the Council. Additionally, you may consider excluding your signature on letters to remove any fears of signatures being copied or identity theft.

Copies of all applications may be inspected between 9.00am and 5.00pm Monday to Friday at the Directorate of the Urban Environment or online at: www.dudley.gov.uk/planning

H. Martin – Director of Regeneration & Enterprise
4, Ednam Road, Dudley, DY1 1HL



Planning (Listed Buildings and Conservation Areas)
Act 1990

22/01050/RC. **Applicant:** Mr N Ahmad. **Proposed development/works:** Minor material amendment/removal of planning condition 2 of planning permission 22/00026/FUL. Changes include internal layout modifications, change to some external doorways and windows, change the position and size of the external staircase (including new privacy screen). Change from a hipped roof to a gable end at the rear and the addition of a Juliet balcony (facing No. 265), installation of rooflight windows and two (“Velux”) rooflight opening balconies at 267 Tettenhall Road, Wolverhampton, WV6 0DE.

A copy of this application can be viewed at the Civic Centre main reception desk on the ground floor or www.wolverhampton.gov.uk/planningapplications

Representations or requests to speak to Planning Committee can be made in writing to Planning, Civic Centre, St Peter’s Square, Wolverhampton WV1 1RP or e-mail planning@wolverhampton.gov.uk by 8 October 2022.

GOODS VEHICLE
OPERATOR’S
LICENCE

Sukhbinder Singh trading as SSS Trading Transport Ltd of 8 St Benedicts Close, West Bromwich, B70 6TD is applying to change an existing licence as follows:

To keep an extra 3 goods vehicles and 3 trailers at the operating centre at A Rated Secure Windows Limited, Unit 2, Thomas Street, West Bromwich, B70 6LY.

Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds LS9 6NF stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner’s Office.

Dated: September 17, 2022.

LEGAL / PUBLIC NOTICES

For convenience you may email any advertising requirements.

Please send email to publicnotices@mnamedia.co.uk or call Suzanne Cooper on 01902 319695.

Please include a name and contact number for confirmation of receipt.

Meeting of the Cabinet – 28th June 2023

Report of the Director of Children's Services

Care Experienced to be Protected Characteristic

Purpose of report

1. This report proposes that Dudley MBC support the proposal of recognising care experience as a protected characteristic.

Recommendations

2. It is recommended after due diligence and organisational wide scoping that:
 - When making any decisions in relation to policies or formulating plans, that Dudley recognise that care experienced people are a vulnerable group who face discrimination;
 - That future decisions, services and policies made and adopted by the Council should be assessed through the councils new and improved Corporate Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a Protected Characteristic
 - To work towards a best practice model, that enables us to integrate Care Experience as if it were a Protected Characteristic (Understanding the full legal obligation of this; as it may not have an impact on employment and/or Equality law by which we are bound).
 - Dudley MBC to proactively seek out and listen to the voices of care experienced people when developing appropriate new policies based on their views;

- Dudley's Corporate Parenting Board in collaboration with the relevant stakeholders across the organisation to oversee the delivery of this commitment

Background

Protected Characteristics

3. In the Equality Act 2010, nine characteristics were identified as 'protected characteristics'. These are the characteristics where evidence shows there is still significant discrimination in employment, provision of goods and services and access to services such as education and health.
 1. age
 2. gender reassignment
 3. being married or in a civil partnership
 4. being pregnant or on maternity leave
 5. disability
 6. race including colour, nationality, ethnic or national origin
 7. religion or belief
 8. sex
 9. sexual orientation

Please note; the passing of the Carers Leavers Act that has just received Royal Ascent – we expect those with caring responsibilities to become the 10th protected characteristic, prior to care “experienced” people.

National Context

4. The Independent Review of Children's Social Care headed by Josh McCallister published in May 2022 a final report and recommendations that included:

“Government should make care experience a protected characteristic” and
“new legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations.”

On Protected Characteristics for Care Experience - (Care Review May 2022)

5. “Many care experienced people face discrimination, stigma, and prejudice in their day to day lives. Public perceptions of care experience centre on the idea that children are irredeemably damaged and that can lead to discrimination and assumptions being made.

6. One young person told the review that a teacher had told them “You’re smart - for a kid in care”, another young person said “I don’t want people to point out that I am in care if I don’t want that mentioned. It makes me so cross – that shouldn’t happen.”
7. This stigma and discrimination can be explicit, and often comes with assumptions about the likely characteristics of children and adults that have care experience. They can also be implicit and are evidenced in the way care experience is discussed in schools, workplaces, and the media.
8. At its worst this can lead to care experienced people being refused employment, failing to succeed in education or facing unfair judgements about their ability to parent when they have children and families of their own.
9. Hearing testimony from care experienced people sharing the discrimination they have experienced, even from a very young age, it is clear that such discrimination can be similar in nature to other groups that have a legally protected characteristic under the Equality Act (2010). So, while there may be ways that society can help reduce stigma and discrimination, including creating greater public consciousness on these issues, just as with other areas of equality, there is a case to go further. Therefore, the Government should make care experience a protected characteristic.
10. Despite making up 1.4 per cent of the UK population, care experienced people account for 25% of both the homeless and the prison population in England. Nearly 50% of all under 21-year-olds in contact with the criminal justice system have been in care.
11. 31 Councils have already agreed to treat care experience as a protected characteristic (list in appendix A)

Local Context

12. In Dudley there are currently 274 care experienced young people aged 18–24 years old that are working with our care leaving service. In the next 12 months, 56 young people will become Dudley Care experienced when they turn 18.

13. 123 young people are not in education employment or training which is 44.8% of our care experienced young people. This shows the challenges faced by care experienced young people, who are at times disadvantaged by the care experiences they have had and the way that they are perceived.
14. Our Corporate Parenting Board works closely with children in care and those who are care experienced and is committed to improving outcomes and increasing opportunities for these young people. The Board is keen that the council and our partners recognise the impact of discrimination on our care experienced young people. This awareness will allow these young people to have improved educational, employment and wellbeing opportunities. This commitment from DMBC will demonstrate to our children in care that we are determined to support them to be productive and active members of our community, challenging stigma and negative attitudes. Care experienced young people can then be proud to be in that category rather than worrying it will be a negative judgement on them.
15. This ensures that supporting care experienced adults is not an add-on, but a fundamental aspect of policy and development and decision making for all the council. Policies are developed with equity at their heart, ensuring that care experienced individuals have the support and opportunities within Dudley to thrive.

Current support

16. Dudley children's services already has a joint protocol with housing enabling care experienced young people to have access to priority housing. This properly supports the priority for our young people to be in suitable accommodation. Dudley also receives levelling up funding from the Department of Education to fund a dedicated homeless prevention personal advisor to work within our care leavers team.
17. We have a dedicated personal advisor who works directly with our young people to support them into education employment and training; this post is funded from the returning care leaver grant we have in place until 2024.
18. With care experience being recognised as a protected characteristic we could then build on the work of these already established initiatives and widen options throughout the council. The timing is opportune as Ofsted have introduced a new judgement for services for Care Leavers and we have started the work to review the requirements.

19. Regionally, we have established a Care Leaver Board. This will support the increasingly consistent regional offer for our care experienced young people, as well as the work nationally through the care leaver offer group. <https://www.careleaveroffer.co.uk/pages/about>

Outcomes

20. Our ambition is to build on our January 2023 ILACS judgement of requires improvement to be good, to ensure all of our services to children and young people are consistently good. Our development work with children in care and care leavers will improve their experience and support them to achieve their ambitions.
21. Recognising care experience as a protected characteristic will provide a framework to raise awareness across the Borough, ensuring an understanding of the impact of this for many young people in terms of unemployment, health issues, over-representation in the criminal justice system. These indicators will improve and care experienced young people will have a better chance of achieving their dreams and ambitions.

Finance

22. Until the scoping exercise is completed, we are unable to identify if there is any requirement for additional financial investment attached to this proposal.
23. All staff will have a responsibility to consider Care Experience as a protected characteristic when developing plans, policies and services as with the other 9 protected characteristics, therefore upskilling and training will be required organisational wide.

Law

24. This proposal seeks to oblige Dudley Metropolitan Borough Council (the Council) to treat '*care experienced*' as a protected characteristic, within the meaning of the Equality Act 2010 and where that Act requires the Council to act or prohibits it from acting in a specific manner in relation to those with a protected characteristic, the Council would be expected act in the same way in relation to '*care experienced*' people and groups.
25. At present, the Children and Social Work Act 2017 and the Children Act 1989, as amended, obliges the Council support the children and young people in its care under these Acts and to publish details of the support available to care leavers up to the age of 25 years.

26. Whilst the Equality Act 2010:

- Prohibits the Council from:
 - Discriminating against those with a protected characteristic by treating them less favourably, directly or indirectly, for a reason relating to that characteristic;
 - Harassing those with a protected characteristic by engaging in unwanted conduct that causes them unnecessary distress or harm, for a reason relating to a relevant protected characteristic; and
 - Victimising someone by subjecting to a detriment because it believes they have or are intending to do a protected act, such as assisting someone with a protected characteristic or making an allegation on their behalf;

AND

- Obliges the Council to:
 - make ‘reasonable adjustments’ to enable those with protected characteristics to access and use its facilities and services; and
 - comply with its Public Sector Equality Duty, which involves having due regard to the following in the exercise of its functions:
 - (i) Eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (ii) Advancing equality of opportunity between people who share a protected characteristic and those who do not; and
 - (iii) Fostering good relations between people who share a protected characteristic and those who do not.

27. The proposal would therefore result in the Council voluntarily extending its responsibilities to taking into account the needs and views of all ‘*care experienced*’ individuals and groups, in the performance of all of the Council’s functions, irrespective of where those individuals and groups are from or their age.

28. If after due consideration of the available information the Cabinet wishes to approve this proposal, it has the legal power to do so under section 1 of the Localism Act 2011. This gives the Council a general power of competence and entitles it to do anything that individuals may do, providing it is satisfied that the action is in the best interests of its residents and is not prohibited by some other law.

Risk Management

29. There are no forecasted risks to this proposal.

Equality Impact

30. This will extend the consideration of impact on those who are care experienced in a positive way. An equality impact assessment is required.

Human Resources/Organisational Development

31. Until the scoping exercise is completed, we are unable to identify the level of impact this will have on Human Resources, and Organisational Development.
32. As the custodians of all people policies, this introduction will have a large impact on both of these areas of the council, based on the requirement of potential amendments to policy, and reasonable adjustments.
33. We are asking for all staff will have a responsibility to consider Care Experience as a protected characteristic when developing plans, policies and services as with the other nine protected characteristics, therefore upskilling and training will be required organisational wide.

Commercial/Procurement

34. There is no forecasted impact on Commercial/Procurement, other than those working in this area to take on board Care Experienced as a protected characteristic as with the other 9 protected characteristics.

Environment/Climate Change

35. There is no forecasted impact on Environment/Climate Change, other than those working in this area to take on board Care Experienced as a protected characteristic as with the other 9 protected characteristics.

Council Priorities and Projects

36. As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by Dudley as an authority:
37. The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimization of people with protected characteristics.



Catherine Driscoll
Director of Children's Services

Report Author: Catherine Driscoll
Telephone: 01384 812032
Email: catherine.driscoll@dudley.gov.uk

Appendices

- Appendix 1 – Councils that have agreed to treat care experience as a protected characteristic

Councils that have agreed to treat care experience as a protected characteristic

1. Cumberland (29/07/2022)
2. Westmorland and Furness (28/09/2022)
3. Ashfield District Council (29/09/2022)
4. Manchester (05/10/2022)
5. Redcar and Cleveland (13/10/2022)
6. Bournemouth, Christchurch and Poole (14/12/2022)
7. Edinburgh (24/11/2022)
8. Wigan (07/12/2022)
9. Nottingham (10/01/2023)
10. Southend on sea Borough Council (12/01/2023)
11. Nottinghamshire (19/01/2023)
12. Sefton (19/01/2023)
13. Lambeth (25/01/2023)
14. Sunderland Council (25/01/2023)
15. London borough of Sutton (20/02/2023)
16. Lancashire (23/02/2023)
17. Doncaster (27/02/2023)
18. Telford and Wrekin (02/03/2023)
19. Newark and Sherwood (09/03/2023)
20. Bradford City Council (14/03/2023)
21. Southampton (15/03/2023)
22. Salford City Council (15/03/2023)
23. Oldham Council (15/03/2023)
24. Trafford Council (15/03/2023)
25. Plymouth City Council (27/03/2023)
26. North Ayrshire (29/03/2023)
27. Birmingham City Council (18/04/2023)
28. Ealing (25/04/2023)
29. Waltham (27/04/2023)
30. Cambridgeshire County Council (16/05/2023)
31. Somerset Council (24/05/2023)

Meeting of the Cabinet - 28th June, 2023

Report of the Deputy Chief Executive

Energy Development Fund

Purpose of Report

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

Recommendations

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

Background

Climate Policy

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

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

Energy Policy

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

Energy Development Fund

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

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

Duncan Edwards Leisure Centre

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

The financial appraisal of this investment is summarised below:

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

Finance

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

Law

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

Risk Management

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

Equality Impact

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

Human Resources/Organisational Development

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

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

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

Commercial/Procurement

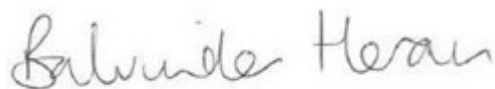
24. In line with social and environmental values set out by our procurement process.

Environment/Climate Change

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

Council Priorities and Projects

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



Balvinder Heran
Deputy Chief Executive

Report Author: Andy Vaughan
Telephone: 01384 814734
Email: andy.vaughan@dudley.gov.uk

List of Background Documents:
Procurement and Contract Documentation