

Cabinet - 2nd November 2005

Report of the Director of Urban Environment

Brierley Hill Regeneration Partnership

Purpose of Report

1. To report on the progress made with the Brierley Hill Corporate Action Group and to seek the views of The Cabinet in relation to the proposed restructuring of the Brierley Hill Regeneration Partnership (BHRP).

Background

2. The Action Group (comprising of officers from Dudley MBC) has been in operation for the past 18 months to provide a corporate perspective on regeneration activity taking place in the Brierley Hill area.
3. There is a direct relationship between the strategic aims of the Council (promoted through the Council Plan) and the BHRP's aims and objectives (via its own Business Plan). Partnership working is therefore fundamental to achieving our aims and objectives.
4. The vision for Brierley Hill is to pursue a comprehensive development strategy for the area, building on the unique development opportunities clearly apparent. In doing this, it furthers partnership working and delivers the needs and aspirations of the wider community.
5. The work of the partnership will contribute towards the Council's aims and objectives for Brierley Hill. In particular it will influence the following areas; physical development; economic regeneration; job creation/safeguarding; community engagement/development; transportation; housing; visitor economy; health; environmental improvements and education/learning opportunities.
6. Each directorate has a service involvement with Brierley Hill: -

Directorate of Urban Environment

- Statutory regulator on behalf of the Council as Local Planning Authority (development control, planning policy and environmental protection) and crucial role in influencing external strategic and local partnerships/relationships.

- Service delivery responsibilities include: Waste and Recycling, Green Care, Street Care, Leisure and P.O.S, External Funding and Bidding, Project Management, Town Centre Management, Urban Design and Landscaping, Drainage, Traffic and Transportation.

Chief Executives

- Clear role promoting Brierley Hill/ Dudley at sub-regional and regional levels in the Borough and externally.
- Service delivery responsibilities include: Regional Capacity Building, Community Safety and Neighbourhood Management.

Directorate of Children's Services

- Accountable for enforcement of school attendance and standards.
- Service delivery responsibilities include: Pre-school (Sure Start – nursery input); Schools (ages 5 – 16); Post 16/Youth Outreach Projects and Working Tax Credit.

Directorate of Finance, ICT & Procurement

- Lead role in the enforcement of Council Tax payment and recovery/fraud.
- Service delivery responsibilities include: local tax collection; information provision; advice and help for residents; Procurement methods; support to CAB; Benefit maximisation and Risk Management.

Directorate of Adult, Community and Housing Services

- Responsibility for social care for older people; mental health and services for people with physical and/or learning disabilities.
- The Directorate has a key role in partnership working with Health. Housing responsibilities include direct housing public provision, the enforcement of unfit homes, tenancy conditions and anti-social behaviour.
- Maintains key role in influencing strategic Planning - including: Housing Strategy, Stock Option Appraisal, asylum seekers, private sector improvements, Social Housing Landlords Forum and Tenants Forums.

Directorate of Law & Property

- Responsible for the enforcement of Compulsory Purchase Orders (CPOs) and Licensing. Also involved in supporting strategic investment and maintains strong relationship with regeneration processes via Directorate of Urban Environment.
- Service delivery responsibility for Property Management Portfolio.

7. In June 2005 the group carried out a Partnership Evaluation (using the Council's Partnership Evaluation Tool (PET), on the current role of the Council in relation to its relationship as a key member of the Brierley Hill

Regeneration Partnership (BHRP). The outcome of that process is an improvement plan which is attached to this report as Appendix A.

8. In spite of changes to the format of the Brierley Hill Regeneration Partnership (BHRP) the role of the Council as a Service Provider is unlikely to change.
9. The Partnership Board has indicated that it intends to change the structure and format of the partnership by creating a Local Delivery Vehicle (LDV) to supersede the existing arrangements. It is important that the Council establishes its position in relation to the proposals. The partnership has requested comments as a matter of urgency and it is important that the Cabinet respond and thereby influence the direction of the proposals.
10. The proposed structure is outlined in Appendix B.

What influence does the Council have in relation to these proposals?

11. Prior to the proposals being implemented, the Council will remain as a partner through representation at the Partnership Board and Executive, although the legal status of the proposed LDV and the Council's role as a partner still needs further clarification. Once the proposals have been ratified by partners, the Council's only mechanism for influencing the strategic direction of the BHRP will be through either the Board or via one of the three Theme Groups.
12. The proposed new structure is intended to streamline partnership activity, focus on implementation and conform to recent Government advice for delivery of partnership working.
13. Cllr Les Jones, Cabinet Member for Economic Regeneration, will retain his existing role on the Board.
14. Under the new proposals, membership of the Executive would comprise solely of the BHRP Chief Executive and the respective Theme Group Chairs and Facilitators. Unless a Council Officer was to be appointed to be a Theme Group Chair, the Council would not be represented at this level. The Executive will remain accountable to the Board. The Council should in its own right be represented at officer level on the Executive.
15. The inaugural meetings of the Theme Groups are now starting to be held and Officers are being invited to participate. This provides the Council with an excellent opportunity to influence the direction of the partnership at a lower level in the LDV structure.
16. A further component of Theme Group representation will be to ensure full participation and engagement of Community Groups including Young People. The Partnership is requested to take on board these views.
17. With this in mind, it is suggested that Dudley MBC provides a Single Officer at Senior Management level to work with the Cabinet Member for Economic Regeneration at Board level. John Woodall, Assistant Director

for Economic Regeneration would be best placed to take up this crucial role on behalf of the Council.

18.A further opportunity exists for the Assistant Director for Economic Regeneration to become a member of the Executive, if he was to be successfully nominated and elected as Chair of the Economic Regeneration Sub-Group. The role of the Assistant Director would be to represent the Council as a whole. The exact details of the responsibilities/working relationships of the postholder and their potential conflicts of interest (i.e. partnership v Council) will need further consideration.

19.It is anticipated that the Council's role will not change substantially. However, a further piece of work following the analysis of the Partnership Evaluation (PET) should be carried out to establish the resource levels needed from within the Council. This is identified in the attached Improvement Plan (Appendix A).

20.Further recommendations will be made once implementation of the plan is completed in order to establish the levels of 'in kind' contributions that Officers of the Council make at the current time. With the implementation of the improvement plan and increased involvement in an LDV structure, it is expected that 'in kind' contributions by the Council will be increased and should be recognised in future partnership working.

21.In terms of the new LDV it is suggested that the Cabinet be recommended to support the structure based on the proposals as they stand, but that Corporate Board, via the Corporate Action Plan Group continue seek further clarification to the proposals as they develop over time. Concurrently it is essential that the Improvement Plan is put in place. It is not envisaged that the new proposals both for the LDV and the Council's Improvement Plan will require any additional Council resources.

Finance

22. There are no direct financial implications arising from the recommendations within this report.

Law

23. The report covers a wide range of the Council's functions under several statutory provisions. In addition, the Council may do anything which is incidental to, conducive to, or which facilitates the discharge of its functions, under Section 111 of the Local Government Act 1972.

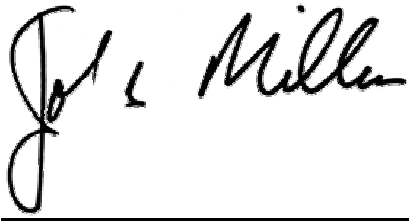
Equality Impact

24. The content of this report is consistent with the Equal Opportunities Policy of the Council.

Recommendations

25. That Cabinet agrees:-

- the Improvement Plan attached as Appendix A.
- the views expressed in this report are passed to the BHRP including the request for a place on the proposed Executive.
- for John Woodall, Assistant Director – Economic Regeneration to act as Brierley Hill Co-ordinator for the Councils activities and interests, in liaison with the Cabinet Member for Economic Regeneration.
- the Council nominates John Woodall as Chair of the Economic Regeneration Theme Group (subject to endorsement).



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DMBC – BRIERLEY HILL (BHRP) COUNCIL IMPROVEMENT PLAN

Appendix A

Theme	Desired Outcome	Target Date	Action	Milestones	Responsibility
Performance Management	Corporate process and structure in place that facilitates transparency and probity	11/05	1. Review current process and structure in place	i. Agree review process and responsibilities ii. Carry out review of evidence and assess	JW / JP JW / JP
		12/05	2. Propose changes as identified	Present recommendations for consideration	JW
		01/06	3. Implement proposed changes	Implement agreed recommendations	Action Group to identify/monitor individual progress
Performance Management	Provide regular reporting to Elected Members and Corporate Board on the performance of regeneration intervention in Brierley Hill	11/05	1. Identify KPI's and supporting evidence	KPI's and supporting evidence agreed	Action Group to identify initially via Chair
		12/05	2. Establish corporate systems for collation of data	Agree method of collation	JH
		Quarterly	3. Analyse and interpret data to be presented in report	i. Agree format of report ii. Data collection complete	JH JH
			4. Incorporate in quarterly reporting cycle	Report produced and submitted for consideration by Elected Members and	JW

				Corporate Board	
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Theme	Desired Outcome	Target Date	Action	Milestones	Responsibility
Efficiency	Understanding of the Corporate Cost of engagement through BHRP Ensuring engagement represents value for money	12/05	1. Mapping exercise of Corporate activity with BHRP	Identify lead officer and analysis reviewer	RS
		1/06	2. Analysis of data collated	i. Data collection complete ii. 'Health Check' report produced	JH JH
		2/06	3. Identification of areas for improvement/ enhancement	Facilitation of review meeting	JH
		3/06	4. Implement recommendations	i. Report to Cabinet with recommendations ii. Implement agreed recommendations	JW JW
Efficiency	Understanding of and strategy for managing corporate risk	12/05	1. Prepare risk register relating to DMBC corporate activities with BHRP	i. Risk register produced ii. Risk register agreed with partners as appropriate	JW / JP JW / JP
		1/06	2. Agree mitigation and control framework/ mechanisms	Mitigation and control mechanisms incorporated in DMBC Action Plan and associated documentation	JW / JP
		2/06	3. Implement as appropriate	BHRP incorporate mitigation and	JW / JP

				control mechanisms into BHRP Business Plan	
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Executive Summary of LDV Proposals

1. The existing partnership has been in existence as a non-incorporated body since July 2002, and became a legal entity in 2004. With the Westfield Shopping Towns purchase of Merry Hill, the Waterfront Business Park and the associated estate, there is a desire to move the partnership forward so that it becomes 'a real focus for the actual delivery of regeneration'. As a result, the proposals to restructure the partnership into a Local Delivery Vehicle have been developed.
2. An added factor behind the restructuring is that European funding (ERDF) is due to run out next year (2006) and this is currently used as match funding to support the partnership. For information, at this time, the remaining financial support is provided by Westfield Shopping Towns Ltd. Whilst no firm details have been presented as to how a new LDV will be resourced, there is clearly an expectation by the partnership that restructuring would enable an early approach to be made to Government to secure underspend from poorly performing existing Urban Regeneration Companies (URCs).
3. A diagrammatic chart is attached to this summary to illustrate the restructuring proposed by the partnership. Please note that this has been produced based on interpretation by the Council from proposals distributed. The following synopsis provides an outline to accompany the chart.

Partnership Board

4. Key functions of the Board will be to:-
 - agree partnership policies, set strategic direction and determine priorities
 - engage stakeholders to bring a co-ordinated approach to regeneration
 - focus on/ influence implementation of key projects
 - secure resources to drive delivery and secure 'accountable body' status
 - develop quality standards, timescales and outcomes for projects to meet
 - allocate partnership resources and put in place adequate financial systems
 - direct the work of the Executive and staff employed by the partnership
 - establish PR, Communications and Marketing Strategy for the area

Partnership Executive

5. Key functions of the Executive will be to:-
 - review work of theme groups and monitor work plans/ priority projects
 - allocate projects to theme groups and monitor progress
 - co-ordinate joint/ complementary working of and between theme groups
 - monitor implementation of PR, Communications and Marketing Strategy
 - monitor day-to-day operation of partnership management/ staff and budget
 - produce regular reports for the Partnership Board on all key projects

Physical Regeneration Theme Group

6. Key functions of the Theme Group will be to:-
 - advise on physical regeneration issues and oversee work plan for group
 - advise on national, regional, sub-regional planning & regeneration policy
 - co-ordinate re-development proposals for a single strategy for the area
 - develop integrated transportation strategy to maximise capacity & delivery
 - bring forward new housing provision and improvements to existing stock
 - bring forward improvements to street scene and public realm

- act as champion for high quality urban and landscape design
- pursue and secure investment to deliver physical regeneration
- determine strategy for lobbying at all levels to achieve vision for the area

Community Regeneration Theme Group

7. Key functions of the Theme Group will be to:-
- advise on strategy and structures for community engagement in the area
 - engage local people in regeneration process and support capacity building
 - influence partnership to be consistent with neighbourhood renewal agenda
 - develop community projects, assessing need for supporting infrastructure
 - secure funding to support community regeneration to meet local needs
 - monitor and evaluate impact of community regeneration and address gaps

Economic Regeneration Theme Group

8. Key functions of the Theme Group will be to:-
- advise on issues such as skills, training and employment
 - develop inward investment strategy and liaise with public & private sectors
 - co-ordinate support for existing and new businesses and develop initiatives
 - determine strategy for lobbying at all levels to achieve vision for the area
 - oversee the work plan for delivery of economic regeneration
 - support Jobs Plus as the jobs brokerage service for the area
 - advise on national, regional, sub-regional economic policy
 - engage businesses & agencies to align activity into regeneration processes
 - engage DMBC Town Centre Management to support town centre activity

Physical Development 'Progress' Sub-Group

9. Key functions of the Sub Group will be to:-
- ensure development projects comply to local; sub-regional; regional policy
 - co-ordinate development proposals for town centre, Merry Hill & Waterfront
 - identify and resolve difficulties in implementation of development projects
 - drive forward/ monitor implementation of integrated transportation strategy
 - ensure and promote the highest quality of urban and landscape design
 - encourage open discussion on issues and opps. for physical development

NOTE: Core membership comprises of DMBC Assistant Director – Economic Regeneration; Westfield Shopping Towns Ltd Development Executive; Partnership Chief Executive. Attendance of other officers will be as required by the respective core members on invitation.

Engagement Group

10. Key functions of the Engagement Group will be to:-
- receive reports on the work of theme groups and monitor progress
 - ensure theme groups complement each another and address gaps
 - engage with new and existing partners to encourage networking
 - receive proposals from partners to progress the work of the partnership
 - operate through consensus through a voting approach on issues
 - make recommendations to Board, Theme Groups & individual partners

NOTE: Membership comprises of Partner Representatives; Partnership Staff; Chairs and Members of Theme Groups and others by invitation of the Chair

Directorate Responses to initial proposals

A summary of the responses to the proposals from Directorates is as follows:-

- Structure of the partnership appears bureaucratic, with a number of levels created that are likely to lead to repetition and duplication. It would be sensible to request that the structure is reviewed after, say, 6 months.
- More clarity is needed as to what the process is for appointing Chairs, Facilitators and Members of the Theme Group. Also, need to establish what constitutes a quorum for each and how decision making agreed by members.
- Must review how Theme Groups operate in light of the experience of participating in them and ensure balance between informal and formal approach of each, is consistently applied and of appropriate mix.
- Conflicts of Interest – textual changes suggested by John Polychronakis.
- It remains unclear as to the type of Local Delivery Model being proposed – confused as to if it is a statutory body (great deal of autonomy) or a non-statutory body (where powers are retained by the LA).
- The role of the Local Authority in the new structure needs more clarification and explanation. Although a non-authority led model can work, we still have a key role in its future to shape and drive the partnership that needs to be explored in order not to miss out on this opportunity.
- Westfield Shopping Towns Ltd is a member of the Board, what is their role? LGA guidance on working with landowners and developers suggests that they should not be on the Board as it could lead to commercial conflicts of interest and a perceived loss of openness and transparency.
- Involvement of the local transport authority is key and must be promoted
- Need to be clear about the strategic planning of the partnership and ensure it is clear, coherent, specific and time limited. Ultimately, also ensuring its objectives fit with the Council Plan.
- Is the Council happy with the balance of membership between statutory, public, private and community?
- Can the new LDV operate under its old Articles of Memorandum or would this also need to be revised in the restructuring?
- Unclear as to what financial accounting systems are in place, what accounts are to be produced, what audit arrangements are there?
- Need confirmation as to the powers that go with the aims and objectives of the partnership (is the partnership an executive or an advisory body?).
- The Engagement Group Terms of Reference state that it will operate through consensus and members will not be expected to vote. What happens if there is real disagreement or one member refuses to agree? Does this mean a recommendation would fail?
- The relationship between the Board and the Executive needs to be clarified.
- Doesn't appear to be any framework for delegation of authority at appropriate levels – this needs consideration.
- Reference is made to a business plan – more details needed on this.
- Register of Interests – should extend not only to members of the Board/ Theme Groups but to their immediate relatives or connections who may have influence on them (as per school governors)?