



Meeting of the Cabinet

Thursday, 4th December, 2014 at 6.00pm

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

Agenda - Public Session

(Meeting open to the public and press)

1. Apologies for absence.
2. To report any changes in representation of opposition group members.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting on 29th October, 2014 as a correct record.

Budget, Strategic, Policy and Performance Issues

5. Corporate Quarterly Performance Management Report.

Service Related Corporate Issues

6. Public consultation on the Contaminated Land Inspection Strategy and Cost Recovery Policy for Dudley Borough (Key Decision)
7. Public consultation on the Dudley Area Action Plan 'Preferred Options' stage document (Key Decision)
8. To consider any questions from Members to the Chair where two clear days notice has been given to the Director of Corporate Resources (Council Procedure Rule 11.8).
9. To report on any issues arising from Scrutiny Committees.

Under the provisions of Part I of Schedule 12A to the Local Government Act 1972, the Director of Corporate Resources 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

The submission of the report complies with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

10. Resolution to exclude the public and press

Chair 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 reason stated on the agenda.”

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

- 11.. Update of Senior Management and Corporate Restructure Implementation (exempt information relating to any individual(s)).



Director of Corporate Resources

Dated: 26th November, 2014

Distribution:

Members of the Cabinet:

Councillor D Sparks (Leader - Chair)

Councillor P Lowe (Deputy Leader)

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

Opposition Group Members nominated to attend meetings of the Cabinet:

Conservative Group:

Councillors P Harley, R James, P Miller, D Vickers and M Wood

UKIP Group:

Councillors P Brothwood and S Etheridge

Please note the following important information concerning meetings at Dudley Council House:

- 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.
- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.
- 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.
- If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, please contact the contact officer below in advance and we will do our best to help you.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk
- The Democratic Services contact officer for this meeting is Richard Sanders, Telephone 01384 815236 or E-mail richard.sanders@dudley.gov.uk

Meeting of the Cabinet – 4th December, 2014

Corporate Quarterly Performance Management Report

Report of the Chief Executive

Purpose of Report

1. To present the second Corporate Quarterly Performance Management Report for 2014/15, relating to performance for the period 1st July to 30th September 2014.

Background

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

Section 1: a brief introduction.

Section 2: a performance summary of key performance indicators.

Section 3: more detailed progress on the key performance indicator scorecards

Section 4: more detailed progress on the key actions identified to determine our delivery of the Council Plan priorities.

Section 5: current sickness absence information for 1st April to 30th September 2014.

Section 6: quarter 1 Benchmarking initiative in association with the LGA

Section 7: customer feedback information for 1st April to 30th September 2014.

Section 8: corporate risk status

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

Finance

4. There are no direct financial implications.

Law

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

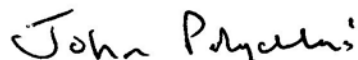
Equality Impact

6. There are no special considerations to be made with regard to equality and diversity in noting and receiving this report.

The Corporate Quarterly Performance Management Report includes details of the performance of the Council Plan strategic objectives and priorities for children and young people.

Recommendation

7. It is recommended that the Cabinet note this report.



John Polychronakis
Chief Executive

Contact Officers: Geoff Thomas ext 5270 / Michael Wooldridge ext 4737

Meeting of the Cabinet – 4th December 2014

Report of the Director of the Urban Environment

Public consultation on the Contaminated Land Inspection Strategy and Cost Recovery Policy for Dudley Borough.

Purpose of Report

1. To seek Cabinet approval for the draft Contaminated Land Inspection Strategy and the Cost Recovery Policy documents to be used as a basis for a statutory public consultation commencing on 12th December 2014 for a period of five weeks (to take account of the Christmas and New Year holiday period).

Background

2. Following the introduction of the Environmental Protection Act 1990, and specifically Part 2A which deals with Contaminated Land, a Statutory Duty was placed on all Local Authorities to prepare and adopt an Inspection Strategy to identify, categorise and deal with as appropriate any land within their Borough that fell within the specific definition of Contaminated Land as set out in the Act. Dudley's initial inspection strategy was prepared and adopted in June 2001, following approval by Corporate Board and the Environmental Health Committee.
3. New legislative guidance was issued in April 2012 which required the preparation of a revised Inspection Strategy to take account of these changes. **The Contaminated Land Inspection Strategy is the framework whereby the Council sets out its methodology for the inspection of the Borough to determine what, if any, contamination may be present, how individual sites may be prioritised for further investigation and what options are available for remediation.** The document is written from the basis of the Council as a Regulator, implementing the requirements of the Act. Consequently this focuses investigation and any subsequent action on those sites that potentially pose a significant risk.
4. Currently most land is remediated by the Private Sector through regeneration and development, with the latest figures for the year 2013/2014 showing that 98% of new build dwellings were on Brownfield sites. The Contaminated Land Team act as a key Consultee to provide advice and guidance to this process.
5. Works that have been undertaken to date have not identified any land that has been formally classified as "Contaminated Land" under the Act. These draft documents will provide the future framework for the continuing investigation and analysis of relevant land in the Borough, following current guidance and best practice. It should be noted that, even though land may

contain some contamination, it will not necessarily fall within the strict definition of “Contaminated Land” within the Act.

6. Both the original 1990 legislation and the amended 2012 guidance placed a statutory requirement on the Local Authority to formally consult on the proposed Strategy prior to adoption. The draft Strategy is an opportunity for key Stakeholders and the wider general public to comment on these documents and the work that has been undertaken. Where appropriate, the documents will be amended as a result of the comments received during the consultation exercise.
7. In acting as a Regulator, there maybe occasions where work has to be undertaken and incurred costs recovered. The consultation exercise also includes a Cost Recovery Policy for use where necessary.
8. The Cost Recovery Policy proposes to apply no waiver or reduction and seeks to recover all reasonable costs incurred by the Council in exercising its duties under the Act and Inspection Strategy, whilst having due regard to Statutory Guidance.
9. It is proposed that the document will be available on the Councils website as well as main libraries and Council Offices during the 5 week period of consultation from Friday 12th December 2014 until Friday 16th January 2015 to allow consultees to identify any further issues for inclusion or to provide comments or suggested improvement. Notification of the consultation details will be sent (by letter and/or email) to landowners, agents and key stakeholders. There will also a drop in events for Members during this period. The exact location, date and time of this will be confirmed in due course.
10. Any representations following the consultation period will be incorporated, if appropriate, into the next stages of the process. It is anticipated that the final draft of the Document will put forward for formal adoption in February 2015.

Finance

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

Law

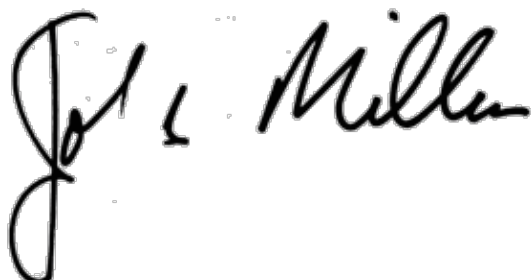
14. The introduction in April 2012 of revised Statutory Guidance made under the Environmental Protection Act 1990 requires the revision of the Contaminated Land Inspection Strategy. The Cost Recovery Policy is a supplementary document to assist in the implementation of the Inspection Strategy.
15. In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

Equality Impact

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

Recommendation

17. That Cabinet approves the Contaminated Land Inspection Strategy and the Cost Recovery Policy documents to be used as a basis for public consultation commencing on 12th December 2014 for a period of five weeks.



J. B. Millar
Director of the Urban Environment

Contact Officer: Helen Martin (Head of Planning)
Telephone: 01384 814186
Email: helen.martin@dudley.gov.uk

Contact Officer: Craig Worgan (Building Control Manager)
Telephone: 01384 814114
Email: craig.worgan@dudley.gov.uk

List of Background Papers

Current Contaminated Land Inspection Strategy. Adopted June 2001

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

Contaminated Land Inspection Strategy document
<http://www>.

Cost Recovery Policy document
<http://www>

Meeting of the Cabinet – 4th December 2014

Report of the Director of the Urban Environment

Public consultation on the Dudley Area Action Plan ‘Preferred Options’ stage document

Purpose of Report

1. To seek Cabinet approval for the Preferred Options stage of the Dudley Area Action Plan (AAP) document to be used as a basis for public consultation commencing in January 2015 for a period of 6 weeks.

Background

2. The preparation of an AAP for Dudley is a key activity in delivering a priority of the Council Plan (2013 – 2016) improving the vibrancy and attractiveness of the Borough’s town centres.
3. Within the adopted Black Country Core Strategy adopted in 2011 a framework to regenerate and plan the Black Country up to 2026 Dudley is identified within a network of town centres that form a distinctive and valued part of the Black Country’s character. The general aim of the Core Strategy is to shape and revitalise these centres to meet the communities needs in the most accessible and sustainable way. The policies of the Dudley AAP seek to carry forward and provide a focus for delivering change and regeneration on the ground
4. The Dudley AAP will guide new investment in Dudley Town Centre up to 2026, including identifying where new development should be located along with the infrastructure required to support the growth and to benefit the local community and local environment in general.
5. The AAP is a planning document against which decisions on planning applications will be made for the period 2016 – 2026. The Preferred Options document, which has been placed on the Committee Management Information System (CMIS) and in the Members’ Room, considers such issues as:
 - Which areas need regenerating, and which need to be conserved.
 - What new development is needed and where this should happen.
 - Where the primary shopping area of the Town Centre is, thereby guiding retail and non-retail development to appropriate locations.
 - Whether any new or enhanced infrastructure is needed to service the Town Centre, such as public spaces, streets or green infrastructure.
 - What principles should guide new development, particularly in terms of urban design.

6. The 'Preferred Options' document sets out a vision, strategy and policies for the town centre which have been informed by earlier consultation stages and the 'Issues and Options' stage consultation undertaken between March and April 2014 following cabinet approval in March 2014, where overall support was expressed for the key issues and suggested ways forward within the Plan. Several town centre consultation events were held where members of the public, landowners and developers provided their views on the planning issues and sites within the Dudley AAP boundary. During the 6-week consultation period an 'Issues and Options' response form was available to download on the Council's website as well as a separate online questionnaire. More than 90% of online respondents offered their support to the Council's emerging proposals for the future of Dudley town centre.
7. The AAP needs to deliver the retail floorspace requirements which are set out in the Black Country Core Strategy Policy CEN4 'Regeneration of Town Centres,' for Dudley. These being 5,000 m² net of convenience (food) and 15,000 m² gross of comparison (clothes, white goods etc) retail floorspace. Implementation of one or more of the three approved foodstore planning consents in the town centre will help deliver these floorspace totals.
8. It is proposed that the Preferred Options document will be available on the Council's website as well as main libraries and Council Offices during the 6 week period of consultation from the 16th January 2015 until Friday 27th February 2015 to allow consultees to identify any further issues for inclusion or to provide comments or suggested improvement. Notification of the consultation details will be sent (by letter and/or email) to Statutory Consultees, landowners, agents and key stakeholders who have expressed a wish to be involved in developing the document. There will also be an online questionnaire and a series of drop in events for the public and Members in the town centre during this period. The exact locations, dates and times of these will be confirmed and advertised in due course. Under the Localism Act 2011 the Council has a new "duty to co-operate" with its neighbouring Councils and key stakeholders. Various meetings continue to be held to ensure that the Council can meet its obligations in relation to this duty.
9. Any representations following the consultation period will be incorporated, if appropriate, into the next stage of the plan process. It is anticipated that the final draft of the document will be published in autumn 2015 for consultation prior to submission to the Secretary of State for Communities and Local Government.

Finance

10. The Dudley Area Action Plan will be funded from existing budgets and resources dedicated to the production of Development Plan Documents and other such statutory planning documents.

Law

11. The production of the Dudley Area Action Plan is necessary in order to update and replace the Dudley chapter of the Dudley Unitary Development Plan (UDP) and will deliver those regeneration requirements for the town set out in the Black Country Core Strategy.

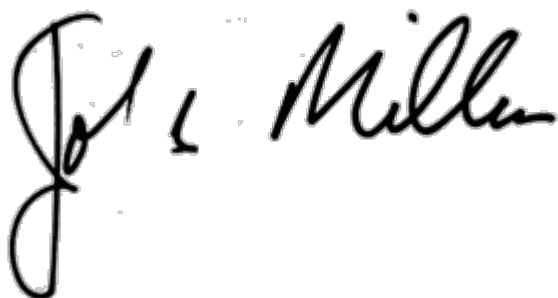
12. The Dudley Area Action Plan is a Development Plan Document (DPD), produced in accordance with the relevant provisions of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the NPPF (2012). When adopted, the Dudley AAP will form part of Dudley's statutory planning framework and will be used as the basis for decisions in planning applications for development in the Town.
13. In addition Section 2 of the Local Government Act 2000 allows the Council to do anything that it considers is likely to promote or improve the economic, social or environmental well-being of the area.

Equality Impact

14. The Dudley Area Action Plan will set the planning framework for the development of Dudley Town Centre up to 2026. The Area Action Plan will seek to ensure that sufficient homes, shops and employment, social and recreational facilities are planned and provided for in that time to meet the needs of the communities in the area. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.
15. This consultation document is accompanied by a 'Preferred Options' Sustainability Appraisal (SA) Report. The SA Report promotes sustainable development through the integration of environmental, social and economic conditions into the AAP's preparation.

Recommendation

16. That Cabinet approves the Dudley Area Action Plan (AAP) Issues and Options document to be used as a basis for public consultation commencing on 16th January 2014 for a period of six weeks.



J. B. Millar

Director of the Urban Environment

Contact Officer: Helen Martin (Head of Planning)
Telephone: 01384 814186
Email: helen.martin@dudley.gov.uk

List of Background Papers

Dudley Area Action Plan (AAP) Issues and Options document
Dudley AAP 'Preferred Options' Sustainability Appraisal Report