

The Cabinet

**Wednesday 9 September 2020 at 15:30
at Sandwell Council House, Oldbury**

Present: Councillor Crompton (Chair);
Councillors Ali, Allcock, Hadley, Millard, Padda,
Shaeen, Singh, Taylor and Underhill.

In attendance: Councillors L Giles, M Hussain, Moore and
Preece.

Officers: David Stevens (Chief Executive), Neil Cox
(Director - Prevention and Protection), Stephnie
Hancock (Senior Democratic Services Officer),
Alison Knight (Executive Director -
Neighbourhoods), Stuart Lackenby (Director -
Adult Social Care), Rebecca Maher (Acting
Section 151 Officer), Elaine Newsome (Service
Manager – Democracy), Sue Stanhope (Interim
Director – Human Resources), Tammy Stokes
(Interim Director – Regeneration and Growth),
Suky Suthi-Nagra (Democratic Services
Manager), and Surjit Tour (Director - Law and
Governance and Monitoring Officer).

69/20 **Apologies for absence**

There were no apologies for absence submitted.

70/20 **Minutes**

The minutes of the meetings held on 12 and 26 August 2020 were confirmed as a correct record.



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71/20 **Additional Business**

There were no additional items of business to consider.

72/20 **Urban Design and Building Services Repairs and Maintenance Framework – 2020/2024**

Further to Minute No. 28/10 of the Cabinet meeting held on 22 January 2020, approval was now sought to award contracts at mini-tender stage as part the Constructing West Midlands Framework for Repairs and Maintenance for the following non-housing related works:-

- Lot 1 - Building Fabric Repair & Maintenance and Minor Building Works
- Lot 2: Mechanical and Electrical (M&E) Repairs and Maintenance and Minor Works

Reasons for Decision

The award of Lot and Lot 2 Call off contracts as part of the Construction West Midland Frameworks would result in the following benefits:

- saving cost and time when seeking to tender individual projects and to appoint suitable consultants for the works through an established mechanism designed to maximise both quality and value;
- the ability to react quickly in cases of urgent works;
- the potential to generate partnerships and close working relationships with specialist contractors on complex projects with health and safety and other critical issues.

Alternative options considered

If the contracts were not called off against the Constructing West Midlands Framework', individual works would need to be procured on an item by item basis. This option would involve individual procurement exercises resulting in:

- additional costs and time to appoint a suitable contractor for the works;
- reduced ability to react quickly in cases of urgent works;

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- no income generation from outside bodies; and
- loss of a close working relationship with contractors across the identified works and a lack of consistency with risks to quality and value.

This approach to the letting of the contracts was more efficient than procuring the works on an individual basis.

Agreed:-

- (1) that the Interim Director – Regeneration and Growth is authorised to award a contract for delivery of Mechanical and Electrical (M&E) Repairs and Maintenance and Minor Works to Dodd Group (Midlands) Ltd as a call off against Lot 2 of the Constructing West Midlands Framework for Repairs and Maintenance for non-housing related works, with an approximate value of £15,881,000;
- (2) that the Interim Director – Regeneration and Growth is authorised, in consultation with the Section 151 Officer, to award of a contract for delivery of Building Fabric Repair and Maintenance and Minor Building Works as a call off against Lot 1 of the Constructing West Midlands Framework for Repairs and Maintenance and Minor Building Works for non-housing related works;
- (3) that in connection with (1) and (2) (above), the Director - Law and Governance and Monitoring Officer is authorised to enter into or execute under seal any documentation in relation to award of the framework contracts and/or other agreements as may be deemed necessary;
- (4) that the Interim Director – Regeneration and Growth is authorised to extend the current Solihull MBC contract for Non-Council House Repairs and Maintenance for those areas of the procurement process that may not be procured in time for a proposed start date of the 1st October 2020, on terms to be agreed by the Interim Director – Regeneration and Growth in consultation with the Section 151 Officer.

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73/20

Provision of Manufacture Bespoke Joinery

Approval was sought to award the contract for the provision of manufacture of bespoke joinery. Bespoke Joinery was mainly used to have items such as staircases, garage doors, one off special items, meter cupboard doors and none standard sized doors made, as these could not be purchased from the Council's contracted timber, or door suppliers.

Reasons for Decision

The contract was required for Sandwell MBC to continue to maintain its current stock.

Alternative options considered

There are no other options available as Asset Management and Maintenance closed its joinery facility in order to reduce costs, therefore this contract was now required.

Agreed:-

- (1) that the Executive Director – Neighbourhoods is authorised to award the contract for Provision of Manufacture of Bespoke Joinery to Neal R Shipley & Co to the value of £289,442 (£72,360 per annum);
- (2) that in connection with (1) above, the Director – Law and Governance and Monitoring Officer is authorised to enter into the appropriate contracts with Neal R Shipley & Co.

74/20

Business Improvement District Levy Prepayment

Approval was sought for the Council to pre-pay levies on behalf of businesses in the West Bromwich and Albion Business Improvement Districts (BID) that had suffered cashflow difficulties as a result of the covid-19 pandemic.

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Reasons for Decision

To assist the West Bromwich Business Town BID CIC and the Albion BID Co Limited with their cashflow and so help them to continue to deliver their business plans which support local businesses in West Bromwich to develop and thrive.

Alternative options considered

The Council could continue to operate the current policy where levy payments were transferred to the BIDs once they had been collected from business payers. However, this would create a high risk that the BIDs may not be able to continue to support local businesses in the short term due to lack of available funds and, particularly, in the COVID recovery period.

Agreed:-

- (1) that the Interim Director – Regeneration and Growth and the Acting 151 Officer are authorised to implement a BID levy pre-payment scheme where the Council transfers funds to the West Bromwich Town Business Improvement District (BID) CIC on a quarterly basis for the 2020/2021 financial year for the last three quarters in advance of receiving levy payments from businesses in the BID area;
- (2) that subject to (1) above, a financial reconciliation is undertaken at the end of the financial year to identify and transfer any residual payments collected;
- (3) that the Acting Section 151 Officer is authorised to implement a BID levy pre-payment scheme where the Council transfers funds to the Albion BID Co Limited for the third and fourth quarter of the 2020/2021 financial year in the event that they request this assistance due to cashflow difficulties.

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75/20

Sandwell Local Development Scheme 2020

Approval was sought to a number of revisions to Sandwell's Local Development Scheme (LDS). The LDS was the Council's three-year project plan that identified which local plan documents would be produced by the Council, in what order and by when.

The Cabinet noted the revised programme for the preparation of the BCP and the second-tier plans that sat underneath it. It was anticipated that the Plan would now be adopted in April 2024 (as opposed to 2023).

Reasons for the Decisions

The LDS is a statutory requirement. It is a 3-year programme setting out the various spatial planning policy documents to be produced by the Council and is required to meet the Council's spatial planning objectives as adopted.

In Sandwell the Local Plan currently consisted of:

- Black Country Core Strategy – adopted 2011
- Sandwell Site Allocations & Delivery Development Plan Document - adopted 2012
- West Bromwich Area Action Plan – adopted 2012
- Smethwick Area Action Plan – adopted 2008
- Tipton Area Action Plan - adopted 2008

Alternative options considered

Preparation of a LDS is a requirement of the Planning and Compulsory Purchase Act 2004.

Agreed:-

- (1) that the revisions to the Local Development Scheme (LDS) as now submitted be approved;
- (2) that, subject to (1) above the Interim Director-Regeneration and Growth is authorised, in consultation with the Cabinet Member for Inclusive Economic Growth, to make minor changes to the Local Development Scheme that may be required prior to making it available to the public.

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76/20

Consultation and Procurement of Advocacy Contracts

Approval was sought to the re-procurement of four advocacy services under one contract to cover the following statutory advocacy services:-

- 1 Generic and Care Act Advocacy
- 2 Independent Mental Capacity Advocacy / IMCA Deprivation of Liberty Safeguards (IMCA/IMCA DOLS)
- 3 Independent Mental Health Advocacy (IMHA) with additional Inpatient Mental Health Advocacy service
- 4 NHS Complaints Advocacy, and
- 5 Advocacy Support Service

Consideration was also given to undertaking a review and engagement with relevant stakeholders in respect of the future of the non-statutory generic advocacy service element of these contracts. A further report on the findings of the review would be submitted to Cabinet in due course.

Reasons for Decision

The Council has statutory responsibilities to provide or commission four types of advocacy in compliance with the following legislation:

- Mental Capacity Act 2005 and Mental Capacity Amendment Act 2019 for IMCA/IMCA DOLS
- Mental Health Act 1983 for IMHA
- Health and Social Care Act 2012 for NHS Complaints Advocacy
- Care Act 2014 for Care Act Advocacy

The proposed contracts will cover all currently commissioned statutory advocacy services, to replace the existing contracts which expire in March 2021, with no option to extend.

Alternative options considered

A range of options were considered including extending all 4 contracts for a further year, the option to retender all four contracts separately, and the option to provide advocacy provision in house. The latter was discounted as statutory advocacy needs to be independent of the Council.

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Agreed:-

- (1) that the Director – Prevention and Protection is authorised to undertake a procurement exercise and award a contract to the successful tenderer for the following four Advocacy services:-
 - Independent Mental Capacity Advocate / Deprivation of Liberty (IMCA/ DOLS) for a two-year period, with the option to extend for a further year at a cost of £99,068 per annum;
 - Independent Mental Health Advocacy (IMHA) and Inpatient Mental Health Advocacy for a two-year period, with the option to extend for a further year at a cost of £49,531 per annum;
 - NHS Complaints Advocacy Service for a two-year period, with the option to extend for a further year at a cost of £41,355 per annum;
 - Care Act and Generic Advocacy Contract for a two-year period, with the option to extend for a further year and the non- statutory Generic Advocacy element for a period of 1 year (with 2 options of 1 year) to allow review and engagement with stakeholders on the future of this service at a cost of £100,195 per annum;
- (2) that a process of review and engagement is undertaken with relevant stakeholders in respect of the future of the non-statutory generic advocacy service element of these contracts, the result of which will be presented back to Cabinet if required;
- (3) that an exemption is made to rule 8.7 of Procurement and Contract Procedure Rules to allow the contract to be awarded to the successful tenderer in the event that the required minimum number of tenders is not received;
- (4) that the Director – Prevention and Protection, in consultation with the Cabinet Member for Living Healthy Lives is authorised to make variations to the contract up to a maximum of 10% of the contract value, if necessary.

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77/20

Variation to the Community Living Support Networks Contract

Approval was sought to extend the Community Living Support Networks contract for one year from 2 November 2020 to 1 November 2021.

Reasons for Decision

The current two-year contract was due to expire on 1 November 2020. The Council's intention had been to undertake a full review of floating support services during the latter part of the contract term, however, COVID19 had affected officers' ability to engage and consult with internal and external stakeholders sufficiently to complete the review additional time was required to consider and implement any recommendations arising from the review. Extending the contract would ensure that vulnerable adults across Sandwell, continued to receive support that enabled them to live independently and contribute positively to their community whilst the review was completed.

Alternative options considered

Several options had been considered which include allowing the contract to expire on 1 November 2020 and to retender the Service. Ending the contract on 1 November 2020 would not provide sufficient time to find alternative support for the clients and given delays encountered due to COVID19 there was insufficient time to retender the Service informed by the results of the review of floating support services.

The option to request a variation to the Contract to extend by 12 months would ensure continuity of service for the service users and the Council sufficient time to complete the review of floating support services.

Agreed that the Director – Prevention and Protection is authorised to extend the Council's current contract with Keyring Support Living Networks for the provision of a community living support networks service, by 12 months from 2 November 2020 to 1 November 2021.

78/20

Taylor Grange Ltd Land Exchange, West Bromwich Street, Oldbury

It was proposed that the Council transferred four sites, located in West Bromwich Street, Oldbury, to Taylor Grange (Oldbury) Ltd in exchange for receiving two sites fronting Dudley Road in Oldbury, which adjoined a larger site already in Council ownership.

Reasons for Decision

The proposal would assist provision of new homes and enhance the value and development potential of the council's retained land.

Alternative options considered

An alternative option would be for the council to choose not to sell its four sites to Taylor Grange, so it could develop the land itself. However, the costs of development would reflect the costs of low volume design and construction. This option would not secure ownership of sites C & D.

The council could sell its land on the open market. That would produce a capital receipt but not secure ownership of sites C & D. Taylor Grange may then seek to purchase sites 1-4. In order to attract other bidders, the council would need to invest money in obtaining outline planning consent and all other matters needed to prepare for development. That would cause delay and risk in an uncertain property market by which time Taylor Grange may have proceeded without the sites.

The council could seek to purchase Sites C and D from Taylor Grange. That would require capital expenditure. Taylor Grange might decline to sell unless the council agreed to transfer sites 1 – 4 for inclusion in their development scheme.

The council could seek to exchange smaller areas of land, but no discernible advantage had been identified.

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The council could decide not to sell or develop its land at the current time. Ownership of a “land bank” enables swifter response to changing circumstances and could be financially beneficial. However, there were holding costs requiring revenue expenditure to produce the hoped for capital receipt. Also, there are revenue benefits foregone by delaying building of properties and a risk that property values might fall. Also, by retaining these sites the council would not acquire sites C & D which seem preferable to sites 1-4 for retention by the council.

Members welcomed the proposal and requested that consideration be given to imposing a time period for development to start, given that the site had lain undeveloped for many years.

Agreed:-

- (1) that the land and premises of area 3,179 square metres on the western side of West Bromwich Street, Oldbury identified as site 1 on Plan SAM/52180/004 is declared surplus to requirements;
- (2) that the land and premises of area 3,607 square metres on the eastern side of West Bromwich Street, Oldbury identified as site 2 on Plan SAM/52180/005 is declared surplus to requirements;
- (3) that the land and premises of area 2,241 square metres on the junction of Roway Lane & West Bromwich Street, Oldbury identified as site 3 on Plan SAM/52180/003 is declared surplus to requirements;
- (4) the land of area 1,894 square metres on the junction of West Bromwich Street and Bromford Road, Oldbury identified as site 4 on Plan SAM/52180/006 surplus to requirements;
- (5) that the Acting Section 151 Officer is authorised to acquire the freehold interest in land of area 4,178 square metres at Dudley Road, Oldbury (the pylon site) identified as site C on Plan SAM/15400/005 from Taylor Grange (Oldbury) Ltd on terms to be agreed by the Director - Law and Governance and Monitoring Officer and the Director - Regeneration and Growth;

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- (6) that the Acting Section 151 Officer is authorised to acquire the freehold interest in land of area 5,460 square metres at Dudley Road, Oldbury (adjacent Wellman Building) identified as site D on Plan SAM/15400/006 from Taylor Grange (Oldbury) Ltd on terms to be agreed by the Director - Law and Governance and Monitoring Officer and the Director - Regeneration and Growth;
- (7) that, subject to (1) to (4) (above), the Director – Law and Governance and Monitoring Officer is authorised to dispose of the freehold interest in the land shown as sites 1,2,3 & 4 on Plans SAM/52180/003/4/5/6 to Taylor Grange (Oldbury) Ltd on terms and conditions to be agreed by the Director - Regeneration and Growth;
- (8) that, subject to (1) to (7) (above) the Director - Law and Governance and Monitoring Officer is authorised to enter into or execute under seal if necessary, any other relevant documentation in relation to the execution of the above recommendations, on terms to be agreed by the Director - Regeneration and Growth

The meeting ended at 16.01

This meeting was webcast live and is available to view

<https://www.youtube.com/watch?v=BGatogJiQZA>