

## The Cabinet

**Wednesday 14 October 2020 at 15:30  
at Sandwell Council House, Oldbury**

- Present:** Councillor Crompton (Chair);  
Councillors Ali, Allcock, Millard, Padda, Shaeen,  
Singh and Underhill.
- In attendance:** Councillors E M Giles and M Hussain.
- Officers:** David Stevens (Chief Executive), Alan Caddick (Housing and Communities), Neil Cox (Director - Prevention and Protection), Lesley Hagger (Executive Director – Children’s Services), Stephnie Hancock (Senior Democratic Services Officer), Stuart Lackenby (Director – Adult Social Care), Alison Knight (Executive Director - Neighbourhoods), Rebecca Maher (Acting Section 151 Officer), Lisa McNally (Director – Public Health), Elaine Newsome (Service Manager – Democracy), Sue Stanhope (Interim Director – Human Resources), Tammy Stokes (Interim Director – Regeneration and Growth), Suky Suthi-Nagra (Democratic Services Manager), Surjit Tour (Director - Law and Governance and Monitoring Officer) and Chris Ward (Director – Education, Skills and Employment).

**85/20 Apologies for Absence**

There were no apologies received.

**86/20 Minutes**

The minutes of the meeting held on 23 September 2020 were confirmed as a correct record.



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### 87/20 **Additional Business**

There were no additional items of business to consider.

### 88/20 **Highway Winter Service Operational Plan 2020/21**

Approval was sought for the Borough's Highway Winter Service Plan for 2020/21.

The Plan set out a risk-based approach to highway maintenance that reflected advice and recommendations contained in relevant Codes of Practice. Due to the high service costs, it was not practicable to provide the service on all parts of the network.

It was noted that there were only minor changes to the Plan approved in 2019/20. It was also noted that the Covid-19 could significantly impact the operational delivery of the Plan. Appropriate risk assessments and mitigation plans were in place to deal with this.

#### **Reason for Decision**

To comply with Section 41 (1A) of the Highways Act 1980, as modified by the Section 111 of, the Railways & Transport Safety Act 2003, which imposed a duty on a highway authority 'to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice'.

#### **Alternative Options Considered**

There were no affordable alternative options available to meet the duty set out in the Act.

**Agreed** that the Highway Winter Service Operational Plan 2020/21, as now submitted, is approved.

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### **The Redevelopment of King Street, Wednesbury**

Further to Minute No 70/20 (18 March 2020), approval was now sought to accept grant funding from the Black Country Local Enterprise Partnership (LEP) for land remediation works at King Street, Wednesbury and Stanhope Road, Smethwick and go out to tender for the remediation works and subsequently award the winning tender for the completion of the remediation works.

All development remained subject to a satisfactory Strategic Investment Unit appraisal (i.e. the project must secure an SIU score of 65 or above). If for any reason this score was not achieved, a further report to Cabinet would be required before any development was progressed on the King Street site, other than the initial remediation works.

#### **Reason for Decision**

Proceeding with a council led, comprehensive re development of the King Street site demonstrated how the council, working with public sector partners, could resolve a long-standing site issue and facility much needed and high-quality Health Centre development and accelerate the delivery of new 'Council House Build' Social Housing.

#### **Alternative Options Considered**

The option of doing nothing had been considered, however, it had been evidenced that there was a need to improve health provision in the area and the Council was not willing to extend the planning consent for the current temporary Spires Practice located at Albert Street, Wednesbury.

Merging the GP practice with the other two practices in the area had also been considered, however, this was not considered physically possible and any redevelopment of the sites was constrained.

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Use of a third-party developer had been explored, however, Sandwell and West Birmingham Clinical Commissioning Group (SWBCCG) had ruled out this option, on cost grounds before asking the council if it would consider developing the health centre and leasing this. The council had considered selling the scheme “off plan” to a developer, which could reduce the financial risk, however the Council and SWBCCG would lose control over the delivery process and timeframe. Procurement of a developer would also likely further delay this project.

### **Agreed:-**

- (1) that the Interim Director – Regeneration and Growth is authorised to accept the approved land remediation grant from the Black Country LEP to facilitate the initial site works necessary to enable the future redevelopment of the sites identified in the funding application (King Street and Stanhope Road, Wednesbury), utilising the grant funds secured to undertake the remediation and enabling works set out in the bid;
- (2) that the Director – Law and Governance and Monitoring Officer is authorised to enter into or execute under seal, if necessary, the associated Black Country LEP funding agreement on final terms and conditions to be negotiated by the Interim Director – Regeneration and Growth;
- (3) that the Interim Director – Regeneration and Growth, in consultation with the Acting Section 151 Officer, is authorised to approve the award of a contract for the site remediation of the King Street site (site plan Sam/27640/004 refers) to the preferred bidder on receipt of the Black Country LEP grant and following conclusion of the current procurement process, including authority to apply any exemptions or variations that may be required;

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- (4) that the Interim Director - Regeneration and Growth is authorised, following the Council's acceptance of the necessary Black Country LEP funding, to seek tenders for the land remediation contract to ready the other grant funded site for housing development at Stanhope Road, Smethwick;
- (5) that, subject to receiving the necessary Strategic Investment Unit appraisal approval mark of 65%, the Interim Director – Regeneration and Growth be authorised to award contracts for the development of five residential units for social rent as part of the agreed Council House build programme and the development of a new health centre of 970 m<sup>2</sup> (or thereabouts) both on the site identified at King Street, Wednesbury;
- (6) that the Director – Law and Governance and Monitoring Officer is authorised to enter into or execute under seal, if necessary, the initial agreement for lease and then the occupational Lease with the GP to secure the pre letting of the new Health Centre on terms and conditions that would ensure the viability of the new build health centre project, such terms to be negotiated by the Interim Director – Regeneration and Growth;
- (7) that authority is delegated to the interim Director - Regeneration and Growth, in consultation with the Acting Section 151 Officer, for the ongoing responsibility for delivery and management of the project, to follow on from the initial site remediation works, ensuring the timely development of the social rent residential units and the health centre project (if appropriate), including authority to apply any exemptions or variations that may be required.

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90/20

### **Urban Design and Building Services Water Hygiene Services**

With reference to Minute No. 43/20 (10 June 2020), it was reported that a procurement process had now been completed, with a programme for new arrangements proposed to commence on 1 January 2021. The current arrangements for water hygiene services had been further extended to 31 December 2020.

The proposed Water Hygiene Services Framework had been developed to provide separation for key elements of the service to ensure efficiency and effectiveness in delivery. The service would be awarded as two separate Lots; Lot 1 – Risk Assessments, Consultancy Services and Training and Lot 2 – Monitoring and Remedial Works. The Framework could be made available for other public bodies to use, subject to an access agreement and fee. Depending on the use of the framework by other contracting authorities, the contract value could increase for the 4 years duration of the framework:

In respect of Lot 1, only one tender had been received. The tender had been checked and found to be arithmetically and technically correct and an exemption was sought to the Council's Procurement and Contract Procedure Rules for the award of the contract.

In respect of Lot 2, two tenders had been received.

#### **Reason for Decision**

The award of these contracts would enable the Council to ensure that buildings were compliant with statutory requirements, operational and safe.

#### **Alternative Options Considered**

As the previous long-term agreements had now been extended and were due for re-tender, alternative options had already been exhausted and the most economically advantageous option was being pursued.

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### Agreed:-

- (1) that the following contracts are awarded under the Water Hygiene Framework Contract 2020-2024:-
  - (a) Hydrop ECS, for Lot 1 (Risk Assessment, Consultancy & Training), in the sum of £374,151.53
  - (b) HSL Compliance for Lot 2 (Monitoring & Remedial Works) in the sum of £2,005,446.80;
- (2) that, as the required minimum number of tenders was not received in relation to Lot 1 (Risk Assessment, Consultancy & Training), an exemption be made to the Council's Procurement and Contract Procedure Rules to enable the course of action set out in (1)(a) above to proceed;
- (3) that the Acting Section 151 Officer; the Interim Director – Regeneration and Growth and the Director - Law and Governance and Monitoring Officer are authorised to agree terms and enter into contracts with relevant third parties as part of the proposed Water Hygiene Contract for the delivery of Water Hygiene Services to third parties accessing services from the Sandwell MBC contract;
- (4) that 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 Water Hygiene Services contracts and/or other agreements as may be deemed necessary.

91/20

### **Award of Contracts for a Promoting Independence Care at Home Service**

Approval was sought to award contracts for a Promoting Independence Care at Home Service to support avoidance of hospital admissions and manage the level of Delayed Transfers of Care (DToC).

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The current contract was due to end on 2 December 2020, with an option to extend for an additional two months, in monthly intervals (3rd December 2020 to 2nd February 2021). Performance on the contracts had been good, enabling packages of care to start more quickly.

Given the very good performance, a tender process was underway to secure provision when the existing contracts ended.

The current contract was predicated on each provider receiving on average of 10 referrals per week, with an average of 14 hours per referral. On 21 August 2020 the Government had published its Hospital Discharge Policy and Operating Model, effective from 1 September 2020. This Policy provided a clear direction around the requirements placed on commissioners to support transfers of care, with a 'Home First' ethos required. Consequently, the hours to be procured under the new contracts would be different to meet unexpected demand, with terms that allowed a reduction in the block guaranteed payment, should the expected demand not be realised and/ or funding was not secured for the additional volume post March 2021.

### **Reason for Decision**

To enable the service to continue and support the Council in meeting the requirements set out in the government's Hospital Discharge Policy and Operating Model

### **Alternative Options Considered**

Whilst there was a clause in the Community Care framework contract to provide this short-term service, it did not guarantee capacity due to the differing contract types.

### **Agreed:-**

- (1) that, approval is given to award contracts for Promoting Independence Care at Home Service, to commence on 3 February 2021 to 2 February 2023 with the option to extend for a further 1 year, to successful bidders, on terms to be agreed with the Director - Prevention and Protection;



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- (2) that in the event that the required minimum number of tenders are not received, an exemption be made to rule 8.7 of the Council's Procurement and Contract Procedure Rules 2018-19 to allow the Director - Prevention and Protection to award contracts to the successful tenderers;
- (3) that the Director - Law and Governance and Monitoring Officer, or their designated representative, is authorised to execute any documents necessary to give effect the course of action set out in (1) above;
- (4) that authority is delegated to the appropriate Chief Officer, in consultation with the relevant Cabinet Member to vary the contract value, up to a maximum of 10%, should it become necessary, with a decision notice being published, should such a variation be enacted;
- (5) that an uplift be applied to the hourly rate in the proposed contract, and therefore an increase to the aggregate value of the service per annum, as long as it continues to mirror the framework rate for Community Care, or akin uplift mechanism to rates in any future framework/contract for the purchasing of domiciliary care;
- (6) that, subject to the Director - Adult Social Care and the Director - Prevention and Protection being satisfied that the necessary funding commitments are in place, approval is given to a 100% increase in the number of hours being procured from the existing contracted service.

92/20

### **Procurement of Trusted Assessor Service Contract**

Approval was sought to commence a tender process and subsequently award a contract for the provision of service to support timely and effective hospital discharges for Sandwell residents.

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Over recent years the Council had consistently ranked in the top five authorities nationally for having the least number of delays attributed to delayed transfers of care. The Trusted Assessor service had played a key part in this.

The new service was expected to be funded from the Better Care Fund, at a cost of £185,000 per annum.

### **Reason for Decision**

To ensure that Adult Social Care (ASC) met its obligations around easing pressure on the health and social care system and securing optimum use of hospital provision by minimising avoidable Delayed Transfers of Care in hospital.

### **Alternative Options Considered**

Without the provision of this service, increases in hospital delays were likely, which would negatively impact on the Council's ability to facilitate timely and effective hospital discharges. There were no alternative options to maintain the required patient / customer flow.

### **Agreed:-**

- (1) that the Director – Prevention and Protection is authorised to carry out a procurement exercise for the provision of a Trusted Assessor service;
- (2) that in the event that the required minimum number of tenders are not received, an exemption be made to rule 8.7 of the Council's Procurement and Contract Procedure Rules 2018-19 to allow the Director - Prevention and Protection to award contracts to the successful tenderers;
- (3) that, following the completion of a procurement process the Director – Prevention and Protection, in consultation with the Cabinet Member for Healthy Lives, is authorised to award the contract to the successful tenderer for the period 1 April 2021 to 31 March 2023, with an option to extend for a further year;

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- (4) that authority is delegated to the appropriate Chief Officer, in consultation with the relevant Cabinet Member to vary the contract value, up to a maximum of 10%, should it become necessary, with a decision notice being published, should such a variation be enacted;
- (5) that the Director - Law and Governance and Monitoring Officer, or their designated representative, is authorised to execute any documents necessary to give effect the procurement of Trusted Assessor service.

93/20

### **New Pre and Post-Dementia Diagnosis Support Service**

Approval was sought to procure a new service to provide care and support to those living with dementia.

The Sandwell Joint Partnership Board had committed up to £376,000 of Better Care Fund to deliver the Joint Dementia Strategy for 2019-25 and implement a borough-wide service that would provide a range of support options for people living with dementia of mild to moderate complexity.

#### **Reason for Decision**

To commission a service that would place people living with dementia and their families at the centre of their care, ensuring a personalised approach and a range of options were available to give people the support, advice and guidance that best met their needs.

#### **Alternative Options Considered**

An options appraisal had presented two slightly cheaper alternative delivery models:-

- 1) A service with a more restricted access of five days per week between 9:00am and 5:00pm and no expenditure on training, the dementia handbook, or seed funding to support the development of dementia-friendly communities (all of which do form part of the preferred option).

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- 2) The same delivery model as above, but with the addition of a telephone helpline support service at weekends during the winter months, the additional costs of which would be paid for by removing the investment in dementia-friendly communities.

The Joint Partnership Board had decided that the unavoidable delay in commissioning dementia services during 2019/20 due to the Covid-19 pandemic had created the financial capacity to fund the recommended option in full for up to three years, without the need to compromise on access or investment in the service.

### **Agreed:-**

- (1) that an investment of £376,000 per annum is made from the Better Care Fund for a two-year Community Dementia Support Service pre and post-diagnosis, to commence on 1 April 2021, with an option to extend for a further year;
- (2) that the Director – Prevention and Protection is authorised to undertake a competitive procurement exercise for the provision of a Community Dementia Support Service pre and post-diagnosis, and award the contract to the successful tenderer;
- (3) that in the event that the required minimum number of tenders are not received, an exemption be made to rule 8.7 of the Council's Procurement and Contract Procedure Rules 2018-19 to allow the Director - Prevention and Protection to award contracts to the successful tenderers;
- (4) that the Director - Law and Governance and Monitoring Officer, or their designated representative, execute any documents necessary to give effect to the proposals for the provision of a Community Dementia Support Service;

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- (5) that the Director - Prevention and Protection is authorised to work jointly with partners in the NHS; Adult Social Services; and the Voluntary, Community and Third Sectors to implement the service which will be overseen by the Sandwell Joint Partnership Board.

94/20

### **Childcare Sufficiency Report 2020/2021**

Consideration was given to seven recommendations arising from the Sandwell Childcare Sufficiency report 2020-21 which detailed how the Council was meeting its duty to secure sufficient childcare as follows:-

1. To continue to support childcare providers to deliver high quality, sustainable provision.
2. To improve the quality of the providers which are judged by Ofsted as Requires Improvement or Inadequate by working intensively with them and those that deliver early education funded places.
3. To ensure there are sufficient childcare places during the Covid-19 pandemic by working closely with childcare providers, giving them support to open safely and remain viable.
4. To monitor demand for childcare places through FIS helpdesk and childcare providers
5. To work with schools, existing and new providers in Tividale and Wednesbury South wards to ensure holiday provision in these wards meets parent's needs, offering greater choice and flexibility.
6. To continue to promote the take up of 2,3 and 4 year old funding, including 30 hours.
7. To continue to promote the Family Information Service Hub and Local Offer. The website has recently been extended to include the Local Offer for children, young people and families with Special Education Needs and Disabilities (SEND) and also includes promotion of the Youth Service and the Care Leaver Local Offer in conjunction with Sandwell Children's Trust.

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Progress has been made on the recommendations of the previous report 2019-2020. The current year's report was presented within the context of the continuing Covid-19 global pandemic. There were no further budgetary implications for the 7 recommendations.

### **Reason for Decision**

In accordance with the Children and Families Act 2014 local authorities were required to report annually to members on how they were meeting their duty to secure sufficient childcare, and to make this report available and accessible to parents.

### **Alternative Options Considered**

The report was required in accordance with the Children and Families Act 2014 and there were no alternative options.

#### **Agreed:-**

- (1) that the seven recommendations set out in the Sandwell Childcare Sufficiency report 2020-2021, now submitted are endorsed;
- (2) that the Director - Educations, Skills and Employment is authorised to develop and implement a Childcare Strategic Action Plan for 2020-2021 to be monitored based on the seven recommendations of the Childcare Sufficiency Report to meet the Council's obligations under the Childcare Act, 2006.

95/20

### **Assertive Outreach for Treatment Resistant Individuals**

Approval was sought to vary the existing Alcohol and Drug Service contract to provide assertive outreach capacity.

The project offered intensive and pro-active engagement and support to address physical and mental health needs, as well as education, employment, housing and debt management issues that affected an individual's ability to engage. In the first year over 3,300 clients had been reached.

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A reduction in offending behaviour, anti-social behaviour, presentations to hospital emergency departments and call-outs to emergency services had also been seen.

### **Reason for Decision**

Better Care Fund funding had been secured for assertive outreach capacity for a period of 24 months. An initial variation to the contract had accounted for 20 months of this funding. A further variation would allow for the full two years of provision, at a total cost of £35,560.00.

### **Alternative Options Considered**

Should the variation not be approved, the enhanced project capacity would end sooner than expected which would negatively impact on engagement with individuals. It would also impair evaluation timescales.

Utilising the money to secure internal Council provision had also been considered however, was not viable due to the clinical supervision, clinical governance and specific skills and knowledge required. The existing provision made use of close links to structured treatment provision, including a fast track for appropriate pharmacotherapy options.

**Agreed** that approval is given to vary the current Adult Alcohol and Drug Service contract to include assertive outreach capacity for treatment resistant individuals for a period of four months, from 1 February 2021 to 31 May 2021 for the total value of £35,560.00.

95/20

### **Procurement of Leasehold Building Insurance and Tenants Contents Insurance**

Approval was sought to commence a tender process and award a contract/ Long Term Agreement (LTA) to provide insurance cover for lessees of council flats.

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The cost of leasehold insurance formed part of the service charge to the leaseholder. As the freeholder and landlord, the Council procured this insurance in order to ensure its assets were protected.

In terms of tenants' contents insurance, the Council used the Northern Housing Consortium to provide access to tenants to this insurance, which was optional for tenants. Consideration was currently being given to the future of this provision, however, approval was sought to continue the use of the NHC framework until 31 March 2022.

### **Reason for Decision**

As the freeholder and landlord, the Council procured leasehold insurance to protect its assets.

The contents insurance scheme enabled tenants to access suitable insurance at competitive rates.

### **Alternative Options Considered**

The Council could request leaseholders to take out suitable insurance themselves, however this would not be in compliance with the lease agreement which states that the landlord will insure the building on behalf of the leaseholder.

The Council was not obliged to provide access to contents insurance for tenants and the future of this provision was being considered. Approval to continue was being sought on the basis that the outcome of the review is that the Council continued to provide the service.

### **Agreed:-**

- (1) that the Acting Section 151 Officer is authorised to carry out a procurement exercise by competitive tender and to award a contract to the successful tenderer for an insurance policy for leasehold flats for a period of three years, commencing 1 April 2021, with the option to extend for up to two additional years;



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- (2) that an exemption be made to rule 8.7 of the Procurement and Contract Procedure Rules (PCPR) 2018-2019 (or subsequent amendments) to allow a contract to be awarded to the successful tenderer in the event the required minimum number of tenders are not received;
- (3) that approval is given to the renewal of the tenants' contents insurance scheme via the Northern Housing Consortium arrangements for the period 1 April 2021 to 31 March 2022, which is placed with Royal Sun Alliance;
- (4) that the Director - Law and Governance and Monitoring Officer, or their designated representative, execute any documents necessary to give effect to the approvals set out in (1), (2) and (3) above.

The meeting ended at 15:58.

[Click here to watch a recording of the meeting](#)