

## The Cabinet

**Wednesday 18 November 2020 at 15:30  
at Sandwell Council House, Oldbury**

- Present:** Councillor Ali (Chair);  
Councillors Millard, Padda, Shaeen, Singh,  
Taylor and Underhill.
- In attendance:** Councillor 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).

96/20      **Apologies for Absence**

Apologies were received from Councillors Allcock, Crompton, E M Giles and Rollins.



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### 97/20 Minutes

The minutes of the meeting held on 14 October 2020 were confirmed as a correct record.

### 98/20 Additional Business

There were no additional items of business to consider.

### 99/20 Black Country Enterprise Zones Governance Principles

Approval was sought to a Supplemental Deed of Variation to the Black Country Joint Committee Collaboration Agreement to adopt the Black Country Enterprise Zone's Governance Principles (BCEZ). The Deed contained the principles and framework for the Single Accountable Body to manage and monitor the BCEZ programme.

#### Reason for Decision

Sandwell MBC had worked under the Black Country Collaboration agreement since 2014. The Governance Principles would allow business rates surpluses generated across the BCEZ to be made available to all Black Country Local Authorities, including Sandwell, in a fair way to develop priority projects within the Black Country.

#### Alternative Options Considered

Failure to formalise the BCEZ principles and governance principle would significantly affect the ability of the Single Accountable Body to carry out its roles and responsibilities and may cause disputes between the Black Country Councils if the allocation of business rates surpluses was decided on an ad hoc or first come first served basis. This preferred route was also more efficient than creating individual funding agreements for each BCEZ scheme between Black Country Councils.

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### Agreed:-

- (1) that Sandwell MBC's entry into the Supplemental Deed of Variation relating to the Collaboration Agreement in relation to the Black Country Executive Joint Committee City Deal and Growth Deal dated 7 May 2014 is approved, and in doing so, the Governance Principles: Enterprise Zones are authorised;
- (2) that the Chief Executive, in consultation with the Leader of the Council, is authorised to conduct any negotiations and to make any minor Supplemental Deed of Variation Relating to the Collaboration Agreement in relation to the Black Country Executive Joint Committee City Deal and Growth Deal dated the 7 May 2014 and the sealing or signing or any related documents.

100/20

### **Direct Payment Support Service Payment and Variation to Contract**

Approval was sought for the payment of £5,572.29 to Ideal for All to cover the cost of additional work undertaken as a result of the transition to the Direct Payment Support Services contract.

Approval was also sought for a contract variation to enable payment to the contractor for all closed cases.

### **Reason for Decision**

The Contract for Direct Payment Support Services ran from 2016 – 2020. The services were retendered in 2019 (Minute No 74/19 of the Cabinet meeting held on 26 June 2019 refers) for two new statutory Contracts to start 6 April 2020. The additional payment was to cover work that had already commenced prior to the end of the previous contract.

A Variation to the current Direct Payment Support Services contract was required to enable payment of an estimated £2000 per year to Ideal for All, for activity related to case closures, which would enable them to have sufficient time to finalise all necessary paperwork and outstanding payments.

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### **Alternative Options Considered**

A range of options had been considered, including non-payment however, this would potentially damage the ongoing relationship with the contractor and impact negatively on the direct payment recipients.

#### **Agreed:-**

- (1) that approval is given to a payment of £5,572.29 to Ideal for All Ltd, to cover work previously commenced prior to the end of the previous contract for Direct Payment Support Service;
- (2) that the Director - Prevention and Protection and the Executive Director - Resources are authorised to make a variation to the current Direct Payment Support Services contract to enable payment of an estimated £2,000 per year to Ideal for All for activity related to case closures.

101/20

### **Quarter 2 Budget Monitoring 2020/21**

The Cabinet received a report summarising the Council's financial position as at the end of September 2020 (Quarter 2 2020/21). The report set out the projected year-end variances for each directorate and the reasons for those variances.

At a directorate level, excluding Public Health and the housing revenue account, the Council was forecasting a year-end underspend of £0.128m. Including Public Health and Central Items, the directorate-level forecast outturn position was an underspend of £1.295m. It was noted that underspend on public health budgets remained ring-fenced. The projection also included the use of £14.743m of reserves and one-off corporate resources that had previously been earmarked for use by those services, and after making a Revenue Contribution to Capital Outlay (RCCO) of £3.500m and the use of £13.964m of COVID-19 Central Government Emergency Grant Funding.

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When this was taken into account, the overall position for the Council was a projected overspend of £9.948m. As this was a planned use of earmarked balances, this overspend would not reduce the Council's free balances.

The Cabinet noted the projected year-end variances for each directorate and the reasons for those individual variances.

Grants of around £121million had been received relating to covid-19, a significant proportion of which had been passported to local businesses and the community. £33.1million of un-ringfenced funding was available to fund the range of pressures brought about by the pandemic. The remainder would be used to fund the loss of commercial income, business rates, council tax and delayed budget savings.

The financial impact of the second national lockdown was uncertain and this particularly affected the ability to estimate council tax and business rates collection rates.

It was noted that the loss in Business Rates and Council Tax income would not impact on the Council's budget in the current financial year, but would create a deficit on the Council's Collection Fund which then had to be recovered in future years. The Government had however announced that this could be spread over three years. It was currently estimated that the deficit on the Collection Fund could be funded from the COVID-19 Emergency Funding, however, there would certainly be a reduction in the expected Business Rates and Council Tax income for next financial year and beyond which would impact on Council's Medium-Term Financial Strategy (MTFS).

### **Reason for Decision**

The Section 151 Officer is required to report the financial position of the authority to Cabinet on a quarterly basis.

### **Alternative Options Considered**

Failure to present this data would be in contravention of statutory obligations and would place the Council at risk of challenge and poor practice.

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### Agreed:-

- (1) that the financial monitoring position of individual directorates and the Housing Revenue Account (HRA) as at 30 September 2020 (quarter 2 2020/21) is received as set out below, and referred to the Budget and Corporate Scrutiny Management Board for consideration and comment;

	Appendix	Projected Variance (£000)	(Use of) Reserves/ Corporate Resources/ RCCO (£000)	COVID-19 Pressures (£000)	Projected Outturn Variance (after COVID-19 Funding Applied) (£000)
Corporate Management	1A	0	0	0	0
Resources	1B	5,065	(2,893)	1,679	493
Adult Social Care	1C	(5,848)	3,500	1,805	(4,153)
Regeneration & Growth	1D	3,999	222	2,844	1,377
Housing & Communities	1E	2,026	(86)	2,678	(738)
Children's Services	1F	6,027	(15)	3,119	2,893
<b>TOTAL DIRECTORATES</b>		<b>11,269</b>	<b>728</b>	<b>12,125</b>	<b>(128)</b>

- (2) that virements set out below above £0.250million are approved;

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Virements above £0.250m for approval by Cabinet	(£000)	(£000)
<b><u>HOUSING &amp; COMMUNITIES</u></b>		
Virement 1 - Climate change budget transferred from H&C to R&G	0	392
<b><u>REGENERATION &amp; GROWTH</u></b>		
Virement 1 - Climate change budget transferred to R&G from H&C	392	0
<b>TOTAL</b>	<b>392</b>	<b>392</b>

- (3) that approval is given to the allocation of £0.433m to Sandwell Children’s Trust to fund COVID-19 pressures (already reflected within the Children’s Services budget monitoring), which is in addition to the £0.391 allocation approved at quarter 1.

### 102/20 **West Bromwich E-Scooter Trial Zone**

Approval was sought for participation in the West Midlands E-Scooter trial scheme within West Bromwich.

E-Scooters were one of the new forms of transport emerging as technology, cost effective manufacturing and batteries improved. In an urban context they can help with providing easy first and last mile access to points of interest and transport interchanges.

The report was accompanied by a presentation.

In a wider initiative to promote walking and cycling as part of a green and healthy recovery from COVID 19, the Secretary of State for Transport had announced the acceleration of twelve-month E-Scooter trials planned for 2021. The objectives of the trials included:-

- Providing faster access to more places.
- Accelerating the ability of the transport system to return to normal.

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- Off-setting the potential for a mass reversion to car use in urban areas.
- Supporting a healthy and green re-start post COVID
- Providing learning:-
  - Improving the evidence base, which globally is inconclusive.
  - understanding if eScooters could be made safer if they are not safe enough.
  - Informing future legislation and/or regulation (particularly important following the transport select committee's recent recommendation to legalise E-scooters in the UK).
  - Better understanding pricing models.

Following a full procurement process led by Transport for West Midlands, in conjunction with Birmingham City Council (as lead authority), Swedish micro-mobility firm Voi had been nominated as the sole operator for trials being held in West Midlands. Voi currently operated forty-five micro-mobility schemes across and had been recently appointed to run trials in Northamptonshire, Bristol, Cambridge and Liverpool. There would be a dedicated West Midlands operational manager, as well as fleet, charging and maintenance teams across the region to support the trial.

It was anticipated that the trial would last for nine months, however the Council would be free to suspend the trial at a time of its own choosing without incurring any penalties.

### **Reason for Decision**

The provision of E-scooters would help modal shift from car use for short trips, improving air quality, contributing to Ambition 2 ("Sandwell is a place where we live healthy lives").

### **Alternative Options Considered**

The Council could decline to participate in the trial, however, the accessibility, environmental and reputational benefits would not be realised.

Sandwell could run its own trial however, the need to run a full procurement process made this option unrealistic given the timescales imposed by Department for Transport.



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It was also likely that Sandwell would have to offer additional (potentially less suitable) trial zones within the borough to make any specific scheme viable for an operator.

In response to a question from the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, the Cabinet Member for Sustainable Transport acknowledged that the proposed tariff of 20p per minute (£12 per hour) could prove a barrier to use by individuals from low income households and that this was particularly pertinent to the West Bromwich trial. Elsewhere Voi had proposed a 'Voi-4-All' scheme which offered an unlimited £10 monthly pass for low income individuals. In addition, in its other trial areas Voi had also introduced the Voi-4-Heros scheme which gave NHS workers, on submission of a valid ID, free access to scooters. Both initiatives would be incorporated into the West Bromwich Trial.

### **Agreed:-**

- (1) that approval is given to Sandwell Metropolitan Borough Council's (SMBC) participation in the Transport for West Midlands E-Scooter trial;
- (2) that the proposed West Bromwich trial zone is endorsed;
- (3) that the proposed rules for the operation of the trial (Operational Playbook) as part of the West Midlands E-Scooter trial are endorsed;
- (4) that the Interim Director - Regeneration and Growth is authorised to make amendments to the Operational Playbook, in consultation with the Cabinet Member for Sustainable Transport.

103/20

### **Sandwell Children's Trust Annual Review 2019/20**

The Cabinet received Sandwell Children's Trust's Annual Review for 2019/20.

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Of the 15 Key Performance Indicators, 10 had improved or been maintained above target, 3 had remained broadly the same and 2 had declined. This was very favourable performance when compared to the previous years' Annual Review.

### **Reason for Decision**

No decision was required. The Service Delivery Contract between the Council and Sandwell Children's Trust (SCT) required an annual review of services to be presented to the Council. The Cabinet performed this function on behalf of the Council in its executive role to agree certain 'reserved matters' that are set out in the Contract.

### **Alternative Options Considered**

There was no alternative option. Presentation of an annual review was required in the Trust's Service Delivery Contract.

#### **Agreed:-**

- (1) that Sandwell Children's Trust's Annual Review 2019/20 is received;
- (2) that the progress made to date by Sandwell Children's Trust in delivering services as set out in the Contract between the Council and the Trust, as set out in the Annual Review 2019/20 is noted;
- (4) that the feedback from the Department for Education following its recent 6-month review of Sandwell Children's Trust is noted;
- (5) that the reports from Ofsted for the period covering the Annual Review 2019/20 are noted;
- (6) that the comments made by the Children's Services and Education Scrutiny Board following the attendance of Sandwell Children's Trust to its meeting on 20<sup>th</sup> July 2020 are noted.

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### **Heat Networks – Appointment of contractor to complete detailed Project Development**

Approval was sought for the appointment of Greenfield Nordic Ltd to undertake detailed project development for potential heat network projects at West Bromwich and Smethwick projects simultaneously.

A heat network was a system of pipes that took heat from a central source and delivered it to several buildings. These systems could be a cost-effective way of reducing carbon emissions related to heating and could also incorporate energy storage potential. During 2015, the Council had been successful in a bid for match funding of 67% from the government's Heat Networks Delivery Unit to support a heat mapping and master planning study of the borough. This high-level review had identified over 30 sites which had potential and sufficient budget remained to support further analysis of a small number of sites to identify which, if any, might be commercially viable. The next step was the completion of a detailed project development plan, which would consider the degree of council involvement and commitment to delivery and ownership of one or more heat networks.

In response to a question from the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, the Cabinet Member for Inclusive Economic Growth reported that the construction of a heat network would cause some disruption, which would include some digging up of roads, which would be considered during detailed project development and where possible 'soft' digs would be recommended for example using grass verges and canal tow paths. Councils in Coventry, Nottingham, Sheffield, Exeter, Leeds, Solihull, Wolverhampton, Stratford, Bromsgrove and Redditch were pursuing heat network schemes and schemes were already operational in Leicester and Birmingham.

### **Reason for Decision**

Heat Networks were an important part of the Government's 2012 Framework for Low Carbon Heating in the UK.

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At a local level, the development of heat networks could provide various benefits including substantial inward investment, job creation and reduced energy costs for businesses and residents. In addition, heat networks could demonstrate a firm commitment towards achieving carbon reduction targets and climate change initiatives.

### **Alternative Options Considered**

If the opportunity was not taken up the Council would have to return the grant funding it had received from the government.

#### **Agreed:-**

- (1) that the Director - Regeneration and Growth is authorised to award a contract to Greenfield Nordic Ltd to undertake detailed project development for potential heat network projects at West Bromwich and Smethwick simultaneously;
- (2) that in connection with (1) above, the Director - Regeneration and Growth, in consultation with the Section 151 Officer, is authorised to let a separate contract for Legal services, if required;
- (3) that in connection with (1) and (2) above, the Director, Law and Governance and Monitoring Officer is authorised to enter into appropriate contracts.

105/20

### **West Smethwick Park – Heritage Lottery Funded Restoration Project**

Approval was sought to the redirection of existing financial resources to manage the increased construction costs for the proposed pavilion, repair/renovation of the historic features and landscape improvements at West Smethwick Park.

Approval was also sought to award and enter into separate contracts with contractors to deliver: Contract 1 Historic Features and Pavilion Construction and; Contract 2 Landscape Restoration of West Smethwick Park.

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It had not been possible to proceed with the contracts previously awarded and so a further tendering exercise had been carried out in June 2020. The tenders returned highlighted that there had been an increase in costs which meant a shortfall of £1,122,192. The Cabinet noted the factors that had contributed to the increased costs, which included an increase in materials and labour costs.

Following consultation with Heritage Lottery, a number of items had been value engineered out of the project. It was proposed to re-direct capital resources to address the remaining shortfall.

It was anticipated that the renovation works would be completed in time to complement Sandwell's aquatic centre, therefore works needed to commence early 2021.

### **Reason for Decision**

It had not been possible to proceed with the contracts previously awarded due to one company going into administration and the other company being unable to secure prices for a number of elements of the work, making its tender non-complaint.

### **Alternative Options Considered**

If the project did not proceed, the lack of investment would have a negative impact on West Smethwick Park and result in further community dissatisfaction. The 2030 Vision Ambition 8 would also be adversely affected and there would be missed opportunities associated with both the community and commercial aspects of the project.

In response to a question from the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board, the Cabinet Member for Resources and Core Services confirmed that the money identified as West Bromwich Car Parks was not linked to the Bull Street demolition. The funding was part of the capital funding set aside to deliver car parking around Highfields and the office quarter. The majority of this car parking had now been provided and given changes in parking demands it was no longer considered necessary to hold this funding to provide further parking in that locality.

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### Agreed:-

- (1) that Heritage Lottery Fund Parks for People renovation project at West Smethwick Park continues;
- (2) that the course of action agreed under Minute No. 69/11 of the Cabinet (17 August 2011) in relation to the allocation of £581,000 in the capital programme for West Bromwich car parking, no longer be proceeded with;
- (3) that the sum of £581,000 currently in the capital programme and a sum of £92,777 of existing Section 106 monies be re-allocated to West Smethwick Park in relation to planning applications DC/12/55069 and DC/08/49405, to fund the increased capital cost of the development of the new pavilion, landscape improvements and heritage works at West Smethwick Park;
- (4) that the Executive Director – Neighbourhoods, in consultation with and the Executive Director - Resources is authorised to award the following contracts, in relation to the restoration of West Smethwick Park:-
  - (a) Contract 1 (Historic Features and Pavilion Construction) to Interclass;
  - (b) Contract 2 (Landscape Restoration) to The Casey Group;
- (5) that the Director - Regeneration and Growth is authorised to award separate contracts for phases 1 and 2 of the restoration of West Smethwick Park, to the successful contractors;
- (6) that, in connection with (4) above, the Director - Law and Governance is authorised to enter into or execute under seal any documentation in relation to the award of phases 1 and 2 of the restoration of West Smethwick Park.

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### 106/20 **Schools' Model Pay Policies 2020/21**

Approval was sought to the Unattached Teachers' Pay Policy 2020/21 and the Model Schools' Pay Policy 2020/21 and the 2020 Pay Award.

The Model Policies had been subject to consultation with all appropriate trade unions in Sandwell. The School Teachers' Pay and Conditions Document had had limited changes for 2020 and as such the Pay Policy was a general refresh only with no wholesale changes. Both policies were compliant with all appropriate employment legislation and with the 2020 School Teachers' Pay and Conditions Document and accompanying statutory guidance.

The September 2020 pay award had been agreed nationally.

#### **Reason for Decision**

The Department for Education's School Teachers' Pay and Conditions Document placed a statutory duty on organisations employing teachers to have a pay policy in place by 1 September each year.

#### **Alternative Options Considered**

Schools had considered two options, which had been informed by the views of head teachers and also reflected the views of trade unions both locally and nationally.

#### **Agreed**

- (1) that the September 2020 Pay Award is approved as follows and applied to local authority Community Schools:
  - a 5.5% uplift is applied to the minima, and a 2.75% uplift is applied to the maxima of the Main Pay Range (MPR), the four advisory points (M2 – M5) within the MPR are also adopted. All other pay and allowance ranges are uplifted by 2.75%;

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- (2) that the Unattached Teachers' Pay Policy 2020/21, as now submitted, is approved and implemented with effect from 1 September 2020;
- (3) that the Model Schools' Pay Policy 2020/21, as now submitted, is approved and recommended to the Governing Bodies of Schools in Sandwell for adoption and implementation with effect from 1 September 2020.

### **107/20 Foster Carers Leave Policy**

Approval was sought for a new leave policy for Sandwell's foster carers.

There were currently around 78,000 children in care in the UK. The highest proportion, 72%, of those children were in foster care, with a child coming into the care system and in need of a fostering family every 20 minutes.

The demographic profile of foster carers, many of whom were approaching retirement age, placed further pressure on future carer numbers. The Council understood that foster carers who did other work in addition to fostering needed flexibility in their working arrangements in order to meet the needs of their fostered child.

The policy aimed to provide paid time off in any 12-month period as follows:-

- assessment and initial training prior to approval as a foster carer - up to four days
- attendance at panel for approval – one day
- child review meetings, foster carer review meetings and training – up to five days.

For the purposes of the policy, the term “foster carer” would also extend to kinship carers, connected carers, special guardianship order carers and foster to adopt carers, as appropriate. These principles accorded with best practice for employers, as promoted by the Fostering Network



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### Reason for Decision

To address the national challenges around fostering, and to try and encourage more working people to become foster carers, the Government had called on employers to become ‘fostering friendly’.

### Alternative Options Considered

The Council was not obligated to implement a Foster Carers Leave policy, however, as part of its corporate and social responsibility, the Council was committed to carrying out its practices in an ethical way which supported the development of employee relations.

**Agreed** that the Foster Carer’s Leave Policy, as now submitted, is approved.

108/20

### Minutes of the Cabinet Petitions Committee 16 September 2020

The Cabinet noted the progress in responding to petitions, as set out in the minutes of the Cabinet Petitions Committee.

In relation to the petition from residents of the Hateley Heath area requesting that the SAPA (Sandwell Adventure Playground Association) building on Hateley Heath estate be brought back into use for the community, the Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board remarked that the building had been empty for over two years. In response, the Deputy Leader and Cabinet Member for Resources and Core Services undertook to look into the issue with some urgency.

The meeting ended at .16.16.

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