

The Cabinet

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

- Present:** Councillor Crompton (Chair);
Councillors Ali, Allcock, Millard, Padda, Shaeen,
Singh, Taylor and Underhill.
- In attendance:** Councillors L Giles, Preece and Rollins.
- Officers:** David Stevens (Chief Executive), Alan Caddick (Director - Housing and Communities), Lesley Hagger (Executive Director – Children’s Services), Rebecca Maher (Acting Section 151 Officer), Elaine Newsome (Service Manager – Democracy), Nicola Plant (Service Manager – Public Health), (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).

109/20 **Apologies for Absence**

Apologies were received from Councillors E M Giles and Moore.

110/20 **Minutes**

The minutes of the meeting held on 18 November 2020 were confirmed as a correct record.

111/20 **Additional Business**

There were no additional items of business to consider.



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112/20

Public Sector Decarbonisation Scheme

Approval was sought to submit a detailed application to the Public Sector Decarbonisation Scheme (PSDS) in advance of 11 January 2021 deadline, for public sector bodies to fund energy efficiency and heat decarbonisation measures. No external funding agreement would be entered into until a satisfactory appraisal had been completed.

The PSDS was part of the UK Governments 'green recovery' and Plan for Jobs 2020 and supported its net zero carbon and clean growth goals.

If successful, the six sites being considered were: Sandwell Council House, West Bromwich Town Hall, the Primrose Centre, Sandwell Community School West Bromwich Campus, Springfield Primary School and Rood End Primary School.

Reason for Decision

All sites, except Sandwell Council House, were considered a priority for upgrading their heating systems. Based on current estimates this would cost the Property Maintenance Account and school life cycle budgets £0.89m and would financially benefit the Council in the sum of £0.35m as plant replacement was expected to be needed in all sites within the next few years.

Alternative Options Considered

Failure to apply for grant funding would result in the Council replacing systems as required with more carbon intensive gas fired systems at an estimated cost of £890,000. Applying for funding would help the Council to take advantage of the full extent of match free grant that was provisionally available.

Agreed:-

- (1) that the Director of Regeneration and Growth be authorised, in consultation with the Cabinet Member for Inclusive Economic Growth, to submit an application to the Public Sector Decarbonisation Scheme (PSDS) by 11 January 2021 subject to (i) a satisfactory Strategic Investment Unit (SIU) assessment being achieved, and

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- (ii) the Interim Director - Regeneration and Growth and Director of Law and Governance and Monitoring Officer and Section 151 Officer being satisfied with regards to the proposed governance arrangements (including terms and conditions) governing the scheme prior to formal submission of the application;
- (2) that subject to Resolution (1) above, and in the event the application is successful, the Interim Director of Regeneration and Growth, Section 151 Officer and Director of Law and Governance and Monitoring Officer, be authorised to enter into a financial agreement with the Public Sector Decarbonisation Scheme, in accordance with the Council's contract and procurement rules and financial rules/regulations;
- (3) that, subject to Resolution (1) and (2) above, to authorise the Director of Law and Governance and Monitoring Officer to enter into or execute under seal any documentation in relation to the award of the contract and/or development/partnership agreement with the properly procured contractor from the CWM Repair and Maintenance framework, for the delivery of any works associated with and in accordance with the Public Sector Decarbonisation Scheme funding agreement, on terms to be agreed with the Interim Director - Regeneration and Growth.

113/20 Sandwell Skills Strategy 2020-23

Approval was sought to the Sandwell Skills Strategy 2020-23 which set out the borough's skills challenges and key priorities including:-

- Low skill levels in the population, with fewer people qualified to Level 4+ and more people with no qualifications, compared to other areas
- Issues of poverty for those in employment, driven by low wage levels
- Skills shortages faced by employers, particularly in roles that require advanced and/or higher skills

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- Lower attainment by young people through early years, primary and secondary education.

In response to comments made by the Chair of Economy, Skills, Environment and Transport Board, the Cabinet Member for Skills and Employment confirmed that, as key performance indicators were developed, the Scrutiny Board would consider the success of the strategy and measure performance.

Reason for Decision

The Sandwell Skills Strategy 2020-23 set out the key skills challenges, opportunities and strategic priorities for the borough. The Strategy had been shaped in a collaborative approach with contributions from key stakeholders to tackle borough wide skills barriers and maximise local opportunities.

Alternative Options Considered

There were no alternative options, the strategy had been carefully considered with no other feasible alternative options.

Agreed that the Sandwell Skills Strategy 2020-23 be approved.

114/20 **The review of council tenant rents and housing related property charges 2021/22-2023/24**

It was agreed to defer consideration of this item to a future meeting.

115/20 **A4123 Birchley Island/M5 Junction 2 Improvement**

Approval was sought to the revised proposals for the improvement at Birchley Island/M5 Junction 2.

The proposed design would widen the existing carriageway to either increase circulatory capacity or add additional lanes at the following points:

- Birchfield Lane approach widened to 4 lanes

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- Carriageway widened into central island between A4123 Wolverhampton Road South and Birchfield Lane to increase circulatory capacity
- Churchbridge approach widened to 4 lanes
- Carriageway widened into central island between Churchbridge and motorway link road
- Motorway link road between M5 J2 and Birchley Island widened to 4 lanes in both directions
- East circulatory at M5 J2, between southbound off-slip and southbound on-slip, widened on inside to 5 lanes.

Reason for Decision

The revisions to the scheme have resulted from the detailed technical appraisal carried out over the last 12 months involving the Council and Highways England (HE). The scheme as now proposed met all the aims and objectives of the project whilst addressing HE's requirements relating to the safe and efficient operation of the M5. The revised scheme would address significant levels of congestion, the poor accident record and a lack of formal facilities for pedestrians and cyclists at the current island.

Alternative Options Considered

Four options were considered during the feasibility stage. These were:-

- a) Minimum modifications
- b) Two-way 'hamburger'
- c) One-way 'double hamburger'
- d) Replacement of the roundabout with a traffic signal junction

Option (b) was adopted as the preferred option as it provided the best combination of benefits and affordability at that time.

However, following the detailed technical appraisal carried over the last twelve months in conjunction with Highways England, the revised proposal was now considered to be the optimal solution to improve the junction within the likely available funding and given the design and construction constraints at this location.

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Agreed:-

- (1) that the revised layout of the proposed A4123 Birchley Island/M5 Junction 2 Improvement, as shown on Drawing No. P60479226/SK/220 Rev 4, be approved;
- (2) that the Interim Director – Regeneration and Growth be authorised to use the Council's Compulsory Purchase powers to acquire land and property required for the approved revised scheme at A4123 Birchley Island/M5 Junction 2 in the event that the land required for the scheme cannot be assembled/acquired through other means;
- (3) that the Interim Director – Regeneration and Growth be authorised to enter into negotiations and to acquire, on terms to be agreed by the Director of Regeneration and Growth, land and property within the proposed Order lands, in advance of confirmation of the Compulsory Purchase Order by the Secretary of State subject to the availability of finances;
- (4) that the Director of Law and Governance and Monitoring Officer be authorised to undertake all necessary actions and steps to make and secure a Compulsory Purchase Order in respect of the land needed for highway improvement purposes shown shaded pink and blue on Drawing No. P60479226/CPO/01/01 and more particularly, marked "Map referred to in Borough Council of Sandwell (A4123 Birchley Island/M5 Junction 2 Improvement, Oldbury) Compulsory Purchase Order" or such lesser land as may be deemed necessary under the powers contained in sections 239, 240 and 250 of the Highways Act 1980 subject to the conclusion of an agreement with Highways England under section 6 (1) of the Highways Act 1980;

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- (5) that the Interim Director – Regeneration and Growth be authorised to make any necessary minor amendments to the Borough Council of Sandwell (A4123 Birchley Island/M5 Junction 2 Improvement, Oldbury) Compulsory Purchase Order and the "Map referred to in Borough Council of Sandwell (A4123 Birchley Island/M5 Junction 2 Improvement, Oldbury) Compulsory Purchase Order" prior to it being made and submitted for confirmation;
- (6) that the Director of Law and Governance and Monitoring Officer be authorised to affix the common seal of the Council and serve the necessary notices and documentation as required by the Highways Act 1980 and Acquisition of Land Act 1981 and submit the Compulsory Purchase Order to the Secretary of State for Transport for conformation;
- (7) that in the event the Compulsory Purchase Order is unopposed and granted powers to do so by the Secretary of State for Transport, the Director of Law and Governance and Monitoring Officer be authorised to confirm the above order and serve all necessary notices to implement the Compulsory Purchase Order including the issuing of sheriff warrants;
- (8) that the Director of Law and Governance and Monitoring Officer be authorised to enter into any licences, undertaking or other agreements to facilitate the Compulsory Purchase Order on terms to be agreed on terms to be agreed by the Director of Regeneration and Growth;
- (9) that the Director of Law and Governance and Monitoring Officer be authorised to make the Borough Council of Sandwell (A4123 Classified Road) (Side Roads) Order as shown on drawing No. P60479226/SRO/01/01 (attached) under the powers contained in sections 14 and 125 of the Highways Act 1980;

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- (10) that the Interim Director – Regeneration and Growth be authorised to make any necessary minor amendments to the Borough Council of Sandwell (A4123 Classified Road) (Side Roads) Order prior to it being submitted for confirmation;
- (11) that the Director of Law and Governance and Monitoring Officer be authorised to affix the common seal of the Council and serve the necessary notices in accordance with the provisions of Schedule 1 of the Highways Act 1980 and submit the Sides Road Order to the Secretary of State for Transport for conformation;
- (12) that the Director of Law and Governance and Monitoring Officer be authorised to take all necessary action to secure the making, confirmation and implementation of the Compulsory Purchase Order and Side Roads Order and if objections are received to the Compulsory Purchase Order and Side Roads Order make arrangements for public inquiries including instructing external Counsel and Consultants to assist in the preparing evidence and the presentation of the Council's case at any public Inquiry;
- (13) that in the event that the Compulsory Purchase Order and Side Roads Order is confirmed by the Secretary of State for Transport, authorises the Director of Law and Governance and Monitoring Officer to serve all necessary notices to implement the powers of compulsory acquisition, including be authorised to make General Vesting Declarations, notices to treat and notices of entry to take all other requisite steps to obtain possession of the properties and to obtain a Sheriff's Warrant for possession of any lands where it has not been given;
- (14) that the Director of Law and Governance and Monitoring Officer be authorised to acquire the necessary interests in the land and property included in the confirmed Compulsory Purchase Order on terms to be agreed by the Director of Regeneration & Growth or as ordered by the Lands Tribunal;

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- (15) that the Interim Director - Regeneration and Growth, in consultation with the Cabinet Member for Inclusive Economic Growth and the Acting Section 151 Officer, be authorised to accept the LEP Main Scheme funding for the scheme upon such terms and conditions as are considered appropriate;
- (16) that Resolution (3), (4), (5), (9), (10) and (11) referred to in the report to Cabinet on 13 June 2018 (Cabinet Minute No. 86/18) be not proceeded with.

116/20

Sandwell Children's Safeguarding Partnership Annual Report 2019/20

Consideration was given to the first Annual Report that Sandwell had published since the implementation of the new Working Together 2018 arrangements, which placed the leadership of the safeguarding of children equally with the Clinical Commissioning Group, the Police and local authorities known as the Multi-Agency Safeguarding Arrangement (MASA).

Reason for Decision

Consideration of the Annual Report formed an important part of assurance for the discharge of the relevant children's social care services functions and the safeguarding of all children and young people in the Borough.

Alternative Options Considered

The provision of a Multi-Agency Safeguarding Arrangement was a statutory requirement, as set out in the Child and Social Work Act 2017.

Agreed that as one of the statutory partners for Multi-Agency Safeguarding Arrangements for children:

- (a) Sandwell Children's Safeguarding Partnership Annual Report 2019/20 be received;
- (b) progress made during 2019/20 be noted;
- (c) feedback from the Independent Scrutineer be noted;
- (d) the priorities identified for 2020/21 be noted.

117/20

Co-operative working with Sandwell and West Birmingham Hospitals NHS Trust

Approval was sought to the Council continuing with its co-operative working arrangement with Sandwell and West Birmingham Hospitals NHS Trust and awards a contract for the services currently contracted within these arrangements under the provisions of Regulation 12(7) of the Public Contracts Regulations 2015. The contract would be awarded for a period of five years with an initial period of three years from 1 October 2021 to 30 September 2024, and an option to extend for a further two years to 30 September 2026, subject to performance and review.

Reason for Decision

In accordance with section 2B of the National Health Service Act 2006 as amended, the local authority must take steps as it considers appropriate for improving the health of people living in its area.

In accordance with the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013 as amended, the local authority must, as far as reasonably practicable, provide or make arrangements to secure the provision of, amongst other things, a universal health visitor service and sexual health services.

Continuing co-operative working would support the achievement of shared strategic objectives for the health and wellbeing of Sandwell residents and was in pursuance of objectives in the public interest.

Alternative Options Considered

The Council could consider not continuing with co-operative working and procure the services via the open market. This option would not build upon the successes of the current arrangement and the potential to improve healthcare pathways and achieve shared strategic objectives to improve the health and wellbeing of Sandwell residents may be lost.

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Agreed:-

- (1) that co-operative working between the Council and Sandwell and West Birmingham Hospitals NHS Trust be continued;
- (2) that the Director – Public Health award a contract for a co-operative working contract with Sandwell and West Birmingham Hospitals NHS Trust for a period of five years, with an initial period of three years from 1 October 2021 to 30 September 2024, and an option to extend for a further two years to 30 September 2026 for the services detailed below:-

Service	Annual Value	Description
0-5 Services	Up to £6,384,100	This includes the Health Visiting Service, The Best Start Service (intensive home visiting programme) for vulnerable families and breastfeeding support services.
Sexual Health Services	Up to £2,000,000	Integrated Sexual Health Services including Domiciliary Care.
Infection Prevention Service	Up to £43,000	Consultation and support on infection control

- (3) that the Director of Law and Governance and Monitoring Officer, in consultation with the Director of Public Health, be authorised to approve variations up to a maximum of 10% of the contract value, should they be necessitated;
- (4) that the Director Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable the above on terms agreed with the Director of Public Health - for the period specified;

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- (5) that any necessary exemptions to the Council's Procurement and Contract Procedure Rules be made to enable the course of action referred to in Resolution (2) above to proceed.

(During consideration of the matter, Councillors Ali and Preece declared an interest on the basis that they worked for Sandwell and West Birmingham NHS Trust. Both members did not take part in the discussion and Councillor Ali did not vote on the matter).

118/20

Statutory Taxi and Private Hire Vehicle Standards

Approval was sought to undertake consultation on the proposed Statutory Taxi and Private Hire Vehicle Standards published by the Department for Transport on 21 July 2020 and the changes that would be required to Sandwell's Private Hire and Hackney Carriage Licensing policy should these be adopted.

Reason for Decision

Licensing authorities are under a legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards. The Council was also required to follow the principles under the Public Law Duty to Consult in determining the requirement to consult.

Alternative Options Considered

In accordance with Section 177 of the Police and Crime Act 2017, there was no alternative option to undertaking a consultation.

Agreed:-

- (1) that the Director – Prevention and Protection be authorised to undertake a consultation process on the Statutory Taxi and Private Hire Vehicle Standards published by the Department for Transport (DfT) and the changes that would be required to Sandwell's Private Hire and Hackney Carriage Licensing policy should these be adopted;

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- (2) that the Director – Prevention and Protection be requested to submit a further report to Cabinet following the consultation referred to in Resolution (1) above to consider the outcomes of this and any changes to be made to Sandwell's Private Hire and Hackney Carriage Licensing Policy.

119/20 Designation of Nature Conservation Sites

Following the results and recommendations of the ecological surveys carried out for land to the west of Wilderness Lane, Great Barr and land at Axletree Way, Wednesbury, approval was sought to the designation of land west of Wilderness Lane as Site of Local Importance for Nature Conservation (SLINC) and the removal of the SINC at Axletree Way and the extension of the SLINC at the wider site, so that the site becomes a SLINC in its entirety.

These sites had been identified as having the potential to be designated as nature conservation sites or have had their status amended.

Reason for Decision

These recommendations were required to ensure that the Council's Local Plan was based on up-to-date evidence and could continue to be used as the basis for robust and defensible planning decisions.

Alternative Options Considered

The report recommended whether or not to designate the two sites as SLINC's and/or SINC's, in order to provide protection from development.

Agreed:-

- (1) that the designation of land to the west of Wilderness Lane, Great Barr as a Site of Local Importance for Nature Conservation (SLINC) as set out in the appendix now submitted be approved;

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- (2) that the removal of the Site of Importance for Nature Conservation designation at Axletree Way, Wednesbury and the designation of the wider site, including this land, as a Site of Local Importance for Nature Conservation as set out in the appendix now submitted be approved.

120/20

Award Contract for Microsoft Enterprise Agreement – 2021 to 2024

Approval was sought to award a contract for the supply of a Microsoft Enterprise Agreement (EA) which would extend the Council's access to key Microsoft products for a further three years to include:

- Windows operating systems (both client and server)
- Office 365 productivity software and services
- Power BI data analysis tool
- Remote Desktop Services (which are needed for Citrix).

Reason for Decision

The proposal would enable the contract to be awarded within the necessary timescale, so that the Council's use of Microsoft products and services can continue uninterrupted.

Alternative Options Considered

The Council could "do nothing" in which the Enterprise Agreement was not renewed. However, this was not feasible, as it would result in Microsoft product use rights that all Council service areas depend on terminating on 31 March 2021. No viable alternatives to these Microsoft products exist which could be adopted within the timescale required.

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Agreed:-

- (1) that the Director – Prevention and Protection, in consultation with Cabinet Member for Resources and Core Services, be authorised to award a contract for providing a Microsoft Enterprise Agreement, for the period 1 April 2021 to 31 March 2024, following a compliant further Competition process under Lot 3 of the Crown Commercial Services Framework RM 6068 – Technology Products and Associated Services;
- (2) that the Director Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable the course of action referred to in Resolution (1) above to proceed;
- (3) that any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed.

The meeting ended at 16.08

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