

The Cabinet

20th May, 2015 at 3.00 pm
at the Sandwell Council House, Oldbury

Present: Councillor Eling (Chair);
Councillors Crompton, Y Davies, Hackett and
Moore.

Apology: Councillor Cooper.

Observers: Councillors Ahmed, P Hughes, S Jones, Sandars
and J Underhill.

76/15

Minutes

Resolved that the minutes of the meeting held on 1st April,
2015 be confirmed as a correct record.

Strategic Matters

77/15

**Sandwell Adult and Family Learning Service - Fees and
Concessions 2015/2016 (Key Decision Ref. No. CS044)**

The Cabinet Member for Children's Services sought approval to the
Adult and Family Learning Service Fees and Concessions for the
2015/16 academic year.

Funding for adult and family learning courses was provided through
an external Government contract with the Skills Funding Agency.
The Government's policy was that providers of adult and family
learning courses were required to increase income from course fees
on an annual basis and that those who could afford to pay should
do so combined with targeted support for those with low incomes.

The Cabinet – 20th May, 2015

After discussions with centre staff, learners and community partners and a comparison with neighbouring authorities, it was proposed that the fee base of £3.50 per hour for the 2015/16 Academic Year – 1st August, 2014 to 31st July, 2015, should remain unchanged.

It was also proposed that the current concessions for learning courses should still be applied.

The Service aimed to ensure that fees remained modest and were lower than those charged by other Black Country Adult Education providers. Although it was not yet known what fees the Service's competitors would charge for 2015/16, their current year charges averaged £4.50 per hour.

An equality impact assessment was not required for this proposal.

The Cabinet Member for Children's Services recommended the proposals to the Cabinet.

Resolved:-

- (1) that the fee base for Adult and Family Learning courses in Sandwell for the academic year 2015/16 be maintained at £3.50 per hour;
- (2) that the current fee concessions for Adult and Family Learning courses in Sandwell for the academic year 2015/16 remain the same as follows:-
 - Family Learning and Skills for Life employability provision - free of charge;
 - the "Step Into" courses (where the aim is to up-skill the learner for progression into employment) be fully discounted and provided free of charge;
 - fee concessions be made available for those people who are aged 60+, on means-tested benefits, or are aged 19-25 and are in or have recently left care.

Childcare Sufficiency Report 2015-2016 (Key Decision Ref. No. CS048)

The Cabinet Member for Children's Services reported that the Children and Families Act 2014 had repealed the duty on local authorities to prepare assessments of the sufficiency of provision of childcare in their area at least every three years. Local authorities were now required to report annually to elected members on how the duty to secure sufficient childcare facilities within their areas was being met and to make this report available and accessible to local parents.

The report should include:-

- a specific reference to how authorities were ensuring there was sufficient childcare available to meet the needs of: disabled children; children from families in receipt of the childcare element of Working Tax Credit or Universal Credit; children aged two, three and four taking up early education places; school age children; and children needing holiday care;
- information about the supply and demand of childcare for particular age ranges of children, and the affordability, accessibility and quality of provision; and
- details of how any gaps in childcare provision would be addressed.

To satisfy this legislation, consultation had been undertaken with childcare providers, schools, parents and internal teams. The outcomes of this consultation were contained within the Sandwell Childcare Sufficiency Report 2015/16 which was submitted for consideration.

There were eleven recommendations from the findings of the Childcare Sufficiency Report as follows:-

- R1 To continue to support childcare providers to deliver high quality, sustainable provisions;
- R2 Aim to improve the quality of the providers which are judged by Ofsted as Satisfactory/ Requires Improvement or Inadequate by working intensively with them and in particular those that delivered early education funded places;
- R3 To increase the 0-5 provisions in the 4 wards identified: Friar Park, Greets Green and Lyng and Wednesbury North. Wednesbury South specifically needing child minders;

The Cabinet – 20th May, 2015

- R4 To work with the school that has been identified as not having access to before and after school provision, to enable them to provide this either on school site or through a community provider;
- R5 To work with schools and local providers in the 6 wards identified to address the need for more holiday provisions (Blackheath, Rowley Smethwick, Tipton Green, Tividale and Wednesbury South);
- R6 To encourage the take up of Childcare Element of Tax Credit and in particular prioritise the 14 wards where the take up is below Sandwell's average (Cradley Heath and Old Hill, Friar Park, Greet Green and Lyng, Hateley Heath, Princes End, Rowley, Smethwick, St Pauls, Soho and Victoria, Tipton Green, Tividale, Wednesbury North, Wednesbury South and West Bromwich Central);
- R7 To encourage new and existing childcare providers in the 7 wards identified, to deliver childcare for children whose parents work irregular working hours (Cradley Heath and Old Hill, Great Bridge, Oldbury, Rowley, Tipton Green, Tividale and West Bromwich Central);
- R8 To prioritise the 10 wards which have been identified as having multi childcare needs in order to reduce the barriers to accessing childcare (Cradley Heath and Old Hill, Friar Park, Greet Green and Lyng, Rowley, Tipton Green, Tividale, Smethwick, Wednesbury North, Wednesbury South and West Bromwich Central);
- R9 To monitor the 6 wards (Friar Park, Great Barr with Yew Tree, Great Bridge, Old Warley, Smethwick and Wednesbury South) where there may be capacity pressure for 3 and 4 year old early education places;
- R10 To develop childcare places for Early Learning for Twos in the 15 wards identified (Abbey, Blackheath, Cradley Heath and Old Hill, Great Barr with Yew Tree, Greet Green and Lyng, Hateley Heath, Friar Park, Newton, Smethwick, Soho and Victoria, St Pauls, Tipton Green, Tividale, Wednesbury North and Wednesbury South);
- R11 To market and promote Early Learning for Twos to ensure that the families who are eligible become aware of the entitlement.

A Childcare Strategic Action Plan for 2014/15 had been developed, based on these recommendations, to meet the Council's obligations under the Childcare Act 2006.

An equality impact assessment was not required for this proposal.

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The Cabinet – 20th May, 2015

The Cabinet Member for Children's Services recommended the proposals to the Cabinet.

In connection with the recommendations contained within the report, the Chair of Children's Services Scrutiny Board asked what strategies and actions would be undertaken to increase the 0-5 year old childcare provision in the four wards of Friar Park, Greet's Green and Lyng, Wednesbury North and Wednesbury South. In response, the Cabinet Member confirmed that all service providers within these wards identified would be engaged in order to outline how improvements to childcare provision could be improved.

The Chair of Housing, Jobs and Economy Scrutiny Board requested that when working within the towns identified as part of recommendation R3, local town members should also be engaged to look at resolving any issues at a local level. The Cabinet Member undertook to engage with local members and to raise the issues at the quarterly local town meetings.

In response to further queries from the Chair of the Children's Service Scrutiny Board, the Cabinet Member confirmed that:-

- an extensive survey of parents had been undertaken in 2011 to gain parents views on childcare within Sandwell. Whilst a smaller sample of parents' views had been sought in 2014, a further extensive survey of parents' views would be undertaken later in the year. The new Government's intention to provide 30 hours of free childcare provision would also need to be looked at further within Sandwell;
- once a childcare provider had satisfied Ofsted's criteria for opening an establishment, they would need to be reinspected by Ofsted within the first 30 months of opening.

Resolved:-

- (1) that the Sandwell Childcare Sufficiency Report 2015/16 be endorsed;

The Cabinet – 20th May, 2015

- (2) that in order to meet the Council's obligations under the Childcare Act 2006, the Director – Children and Families develop and implement a Childcare Strategic Action Plan for 2015/16, to be monitored based on the recommendations of the Childcare Sufficiency Report 2015/16.

79/15

Street Lighting Energy Reduction (Key Decision Ref. No. HE024)

The Cabinet Member for Highways and Environment sought approval to implement the Street Lighting Energy Reduction Programme. The Council had 27,562 street lighting columns on its highway maintainable at public expense. The cost of street lighting energy in 2014/15 was approximately £1.65 million.

In 2011, the Council started implementation of a street lighting energy efficiency programme to:-

- achieve an immediate reduction in electrical energy costs;
- contribute to revenue budget reduction targets;
- reduce exposure to future energy price inflation; and
- reduce exposure to carbon reduction commitment charges.

To date, 3,437 energy efficient LED lanterns had been retro-fitted to existing street lighting columns largely in residential streets saving £137k in energy costs.

The Cabinet on 8th October, 2014 gave approval to a further phase of the programme to retro-fit 1,120 lanterns to existing street lighting columns on traffic routes (see Minute No. 66/14). This would save an additional £107k in energy costs.

The cost of retro-fitting a further 15,000 LED lamp trays inside existing lanterns was estimated at £1.8 million. The annual energy saving was £400k in a full year if fully implemented.

An 'invest to save' fund of £1.8 million was required to realise the full savings. This would be created from within the Local Transport Plan capital Highways Maintenance Block Allocations 2015/16 and 2016/17 by redistribution of funding across asset elements (roads, bridges and street lighting).

The Cabinet – 20th May, 2015

An equality impact assessment was not required for this proposal.

The Cabinet Member for Highway and Environment recommended the proposal to the Cabinet.

Resolved that the commencement of a bulk lamp change in up to 15,000 street lights using retro-fit LED lamp trays, over the period 1st June, 2015 to 31st March 2017, in the sum of £1.8 million, be approved and funded from Local Transport Plan capital allocations phased over 2015/16 and 2016/17.

80/15

Public Consultation on the Revised Parking and Traffic Enforcement Policy (Key Decision Ref. No. HE025)

The Cabinet Member for Highways and Environment submitted a revised Parking and Traffic Enforcement Policy for the Council and sought approval to undertake a six week public consultation exercise on the proposals with a number of stakeholders. Any unresolved objections arising from the public consultation would be reported to the Cabinet for consideration.

It was also proposed that an application to the Government and Adjudication Service be submitted for the necessary enforcement approvals, prior to procurement of fixed CCTV enforcement cameras in bus lanes in New Street and Birmingham Road.

Whilst the Cabinet Member for Highway and Environment recommended the Cabinet to approve the proposals relating to carrying out public consultation on the revised Parking and Traffic Enforcement Policy and to approving the Policy subject to no unresolved objections being received, the Cabinet Member requested that consideration of an application to the Government and Adjudication Service for enforcement approvals prior to the procurement of fixed CCTV enforcement cameras in bus lanes be deferred. This would enable the outcome of the public consultation to be considered prior to a further report on proposals to install CCTV enforcement cameras on bus lanes on these roads being considered.

The Cabinet – 20th May, 2015

Following a request by the Chair of the Housing, Jobs and Economy Scrutiny Board to include as part of the consultation process, on-street and off-street parking provision within all towns, the Deputy Leader and Cabinet Member for Strategic Resources clarified that the consultation process on this occasion related only to a regulatory policy for highways and not a broader car parking policy. It was therefore not appropriate to consult on on-street and off-street car parking.

Resolved:-

- (1) that the Director – Regeneration and Economy be authorised to carry out public consultation on the revised Parking and Traffic Enforcement Policy, as now submitted, for a six week period, commencing in June 2015;
- (2) that the Director - Regeneration and Economy submit a further report to Cabinet on any unresolved objections arising from the consultation referred to in resolution (1) above;
- (3) that in connection with resolution (1) above, in the event that there are no unresolved objections received, the revised Parking and Traffic Enforcement Policy, as now submitted, be approved;
- (4) that the Director – Regeneration and Economy submit a further report on proposals to apply to the Government and Adjudication Service for enforcement approvals prior to the procurement of fixed CCTV enforcement cameras in bus lanes in New Street, West Bromwich and Birmingham Road, Great Barr.

81/15

Local Highways Maintenance Challenge (Key Decision Ref. No. HE026)

The Cabinet Member for Highways and Environment provided details on the Local Highways Maintenance Challenge.

A sum of £39.9 million had been awarded to the West Midlands Integrated Transport Authority from the Department for Transport's Local Highways Maintenance Challenge Fund.

The Cabinet – 20th May, 2015

Approval was now sought for the sum of £673k capital allocation from Council resources towards the local contribution requirements of the grant conditions.

The Integrated Transport Authority grant and local contribution of £44.8 million was to be spent over the three year period 2015/16 – 2017/18 of which £8.2 million would be spent in Sandwell.

In Sandwell, the funding would pay for maintenance of all sections of classified road network close to or in urgent need of repair.

The contribution of £8.622 million from future Highways Maintenance Capital Block Funding allocations was allocated in the six year period 2015/16 to 2020/21 by redistribution of funding across asset classes (roads, bridges and street lighting).

An equality impact assessment was not required for this proposal.

The Cabinet Member for Highway and Environment recommended the proposals to the Cabinet.

Resolved:-

- (1) that the Service Manager - Strategic Finance, in consultation with appropriate Directors as necessary, enter into the necessary agreements with the Department for Transport and the West Midlands Integrated Transport Authority to receive the Local Highway Maintenance Challenge Funding of £7.299 million;
- (2) that subject to resolution (1) above, a capital allocation of £673k towards the Council's local contribution be approved and phased across financial years as follows:-
 - 2015/16 £72k
 - 2016/17 £300k
 - 2017/18 £301k
- (3) that subject to resolution (1) and (2) above, the following action points identified within the appraisal report be implemented to reduce any risk to the Council:-

The Cabinet – 20th May, 2015

- confirmation as to how additional costs can be claimed from the project, before they are incurred;
- development of a detailed timeline for outputs, milestones and expenditure for the Sandwell project to support effective delivery and monitoring;
- confirmation of project monitoring requirements with the Accountable Body;
- development of a corporate compliant risk register for the Sandwell project to support project management.

Business Matters

82/15

West Midlands Joint Committee – Revised Terms of Reference, Constitution and Standing Orders

The Deputy Leader of the Council and Cabinet Member for Strategic Resources presented the revised Terms of Reference and Constitution for the West Midlands Joint Committee. The changes were due to The West Midlands Integrated Transport Authority (Decrease in Number of Members) Order 2014. The Order had made changes to the governance arrangements of the West Midlands Integrated Transport Authority which included the establishment of the West Midlands Integrated Transport Authority and a Joint Overview and Scrutiny Committee. The Constitution and Terms of Reference had now been amended to reflect these changes.

Resolved to recommend:-

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| <p>(1) that the Council be recommended to approve the revised Terms of Reference and Constitution of the West Midlands Joint Committee, as set out in Appendix 1;</p> |
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The Cabinet – 20th May, 2015

- (2) that in connection with resolution (1) above, the Director – Governance be authorised to enter into such legal documents as are necessary to give effect to the revised Terms of Reference and Constitution of the West Midlands Joint Committee.

83/15

Delivery of Innovative and Sustainable Library Services - Report back from the Neighbourhoods Scrutiny Board

The Deputy Leader of the Council and Cabinet Member for Strategic Resources presented the findings of the Neighbourhoods Scrutiny Board's consideration on the proposed direction for the future delivery of library services.

The Cabinet, at its meeting on 4th February 2015, had referred the matter to the Neighbourhoods Scrutiny Board to consider the consultation undertaken, to validate the work that had been undertaken to date, and to find any further areas to make improvements to the library service 2015 (see Minute No. 26/15).

The Board met on 25th February, 2015 and was satisfied with the consultation that had taken place and supported the proposed future direction of the service. Whilst no formal consultation had taken place with schools, the Board acknowledged that the libraries service was in regular contact with schools through the delivery of the Bookstart programme. The Board requested that in future, schools be included in any formal consultation processes.

The Board was pleased to note that the Council was making a reasonable income from charging for some activities and was looking at a number of ways to increase income further, including the sale of educational text books and sharing spaces with partners.

The Board was interested in the work that was being done to develop ways of involving partners to support single staffing models and noted that pilot projects were taking place at Blackheath Library, Hill Top Library and Thimblemill Library, looking at the ways in which friends groups could support the delivery of library services. The Board had requested a report back on the outcome of these pilots.

The Cabinet – 20th May, 2015

The Board congratulated officers on the success of the libraries service and the hard work being undertaken to maintain that success in the face of continued budget reductions.

Resolved:-

- (1) that the findings of the Neighbourhoods Scrutiny Board's review of the Library Service be received;
- (2) that in connection with resolution (1) above, the Director - Neighbourhood ensures that schools are consulted as part of any future formal consultation exercises on the delivery of library services.

84/15

Action Taken on a Matter of Urgency – Local Highway Maintenance Challenge Fund

The Deputy Leader and Cabinet Member for Strategic Resources presented details of an urgent action taken by the Director – Regeneration and Economy, in consultation with the Cabinet Member for Strategic Resources, in order to participate in the West Midlands Integrated Transport Authority application to the Local Highway Maintenance Challenge Fund to seek additional local highways maintenance funding to tackle the maintenance backlog on the classified road network across the West Midlands Integrated Transport Authority area.

In December 2014, the Government announced that capital block funding for highway maintenance was available for a six year period. Bids were invited for Tranche 1 of the fund and were required to be submitted to the Department for Transport by February 2015.

Successful bids would fund the reconstruction of sections of the classified network close to or in urgent need of repair. To ensure a commitment to the Local Highways Maintenance Challenge Fund, the Council was required to provide a local contribution. It was therefore proposed that £902,000 of local contribution was funded by the corporate capital, Regeneration and Economy, Thematic Capital Pot and planning obligations.

Should the bid be successful, every £1 invested by the Council would lever £8 of additional investment in improving carriageway condition on the classified roads.

The Cabinet – 20th May, 2015

Strategic Finance had independently appraised the bid using the standard appraisal procedures. The appraisal process had recorded a score of 68% with action points identified to mitigate any risk to the Council.

It was necessary to deal with the matter in accordance with the authority delegated to Directors to act in matters of urgency so as to meet the tight timescales set by the Challenge Fund to bid for the funding. Challenge Fund had announced the funding and invited bids on 23rd December 2014. The bid submission deadline was set for 9th February 2015. Permission was therefore sought to participate and bid for funding which included authority to include corporate resources as part of the Council's local contribution.

Resolved that details of the urgent action taken by the Director – Regeneration and Economy in relation to submitting an application to the Local Highway Maintenance Challenge Fund to seek additional local highways maintenance funding to tackle the maintenance backlog on the classified road network across the West Midlands Integrated Transport Authority area, be received.

85/15

Decisions Taken by Cabinet Members

The decisions taken by Cabinet Members, on the dates indicated below, were received:-

- (a) Deputy Leader of the Council – 25th March, 2015;
- (b) Highways and Environment – 2nd April, 2015

No questions were asked of the Cabinet Members.

86/15

Notes of the Meeting of the Black Country Joint Executive Committee

The notes of the meeting of the Black Country Joint Executive Committee held on 18th February, 2015 were received.

No questions were asked of the Deputy Leader.

The Cabinet – 20th May, 2015

87/15

Exclusion of the Public

Resolved that the public and press be excluded from the rest of the proceedings to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 relating to the financial or business affairs of any particular person (including the authority holding that information)).

Strategic Matters

88/15

Disposal of Land to the rear of 221 High Street Tipton for the Provision of Affordable Housing (Key Decision Ref. No. AML088)

The Deputy Leader and Cabinet Member for Strategic Resources sought approval to dispose of the freehold interest in the Council's ownership of 0.70 acres of land to the rear of High Street, Princes End, Tipton.

The land currently consisted of a former cleared garage site and part of Laybourne Park. The proposed disposal of land was an infill site between and to the rear of 221 and 231 High Street, Princes End, Tipton.

A direct disposal of Council owned land to Black Country Housing Group had been recommended on the grounds that the land could not be developed in isolation. The proposed development for disposal was reliant upon third party access off the main High Street. Furthermore, the land was constrained on the eastern and northern boundary by residential properties and on the western most boundary by the remainder of Laybourne Park.

Any development proposal for the identified part of Laybourne Park or the ex – garage site (both Council owned land) would therefore need to be brought forward in partnership with the private owner who owned the adjoining land to enable vehicle access to the development from High Street.

An equality impact assessment was undertaken and there were no adverse impacts.

The Cabinet – 20th May, 2015

The Deputy Leader and Cabinet Member for Strategic Resources recommended the proposals to the Cabinet.

Resolved:-

- (1) that the ex-garage site and part of Laybourne Park public open space at the rear of 221 High Street, Princes End, Tipton, as shown on Plan No. SAM/24220/017, be declared surplus to the Council's requirements;
- (2) that the Director – Regeneration and Economy to advertise the open space at Ladybourne Park, Princes End, Tipton, as shown on Plan No. SAM/24220/01, in the local press for a period of 14 days with a consultation period of 28 days from the date of second insertion for any objections received;
- (3) that, subject to resolution (1) above, the Director – Governance dispose of the freehold interest in land to the rear of 221 High Street, Princes End, Tipton, as shown on Plan. No. SAM/24220/017 to Black Country Housing Group on terms and conditions to be agreed by the Director – Regeneration and Economy;
- (4) that the Director - Governance enter into or execute under seal, if necessary, any other related documentation in connection with the disposal of the land and property referred to in resolution (1) above, on terms to be agreed by the Director - Regeneration and Economy.

89/15

Disposal of Land at Regis Lodge, Blackheath (Key Decision Ref. No. AML089)

The Deputy Leader and Cabinet Member for Strategic Resources sought approval to dispose of the freehold interest in the Council's ownership of land at the Regis Lodge, Blackheath.

The continual review of Council Office accommodation had resulted in the identification of Regis Lodge, Blackheath as being available for disposal following the relocation of the current occupants of the building.

The Cabinet – 20th May, 2015

The building had a gross area of 1339 m² over two floors which had been used to accommodate office based staff, with some public access, for over ten years.

An equality impact assessment had been carried out in November 2014.

The Deputy Leader and Cabinet Member for Strategic Resources recommended the proposals to the Cabinet.

Resolved:-

- (1) that 1339 m² of land at Regis Lodge, George Avenue, Blackheath, as shown on Plan No. SAM//19320/003, be declared surplus to Council requirements;
- (2) that subject to resolution (1) above, the Director - Governance dispose of 1339 m² of land at Regis Lodge, George Avenue, Blackheath, as shown on SAM//19320/003, on terms and conditions to be agreed by the Director - Regeneration and Economy;
- (3) that the Director - Governance enter into or execute under seal, if necessary, any other related documentation in connection with the disposal of the building and land referred to in resolutions (1) and (2) above, on terms and conditions to be agreed by the Director - Regeneration and Economy.

90/15

Renewal of the Council's Insurance Programme (Key Decision Ref. No. SR273)

The Deputy Leader and Cabinet Member for Strategic Resources sought approval to proceed with negotiations to renew the Council's insurance programme for the period 1st October 2015 to 30th September 2016 with a potential extension of up to a further four years. Engagement with the insurance market would be undertaken in order to explore the most suitable option for the Council.

The Council's insurance programme comprised of eleven separate policies which provided insurance cover and protection for different aspects of the Council's assets and liabilities.

The Cabinet – 20th May, 2015

Ten of the eleven policies were negotiated as long-term undertakings of three year contracts with an option to extend for two years, which were agreed with insurers in 2010. These policies and long term undertakings would expire on 30th September 2015.

Two options were now being considered as follows:-

- Option 1 – to consider where possible, the implications of using the Crown Commercial Services framework agreement for insurance procurement;
- Option 2 – to carry out a full procurement exercise to procure the Council's insurance programme.

Both of the above options would involve the procurement of a broker to assist with the work, which included providing technical advice to the Council on compliance with insurance policy terms and conditions and on the insurance programme design to ensure the most appropriate level of self-insurance and externally placed insurance. The use of a broker service also allowed access to a wider range of providers.

An equality impact assessment was not required for this proposal.

The Deputy Leader and Cabinet Member for Strategic Resources recommended the proposals to the Cabinet.

Resolved:-

- (1) that the Assistant Chief Executive engage with the insurance market to determine the most viable option for the Council to renew its Insurance Programme for the Council's assets and liabilities for the period 1st October 2015 to 30th September 2016 with the option to extend the contract for a further four years;
- (2) that in the event that a procurement route cannot be completed by 30th September 2015 as referred to in resolution (1) above, the Assistant Chief Executive be authorised to make any necessary exemptions to the Council's Procurement and Contract Procedure Rules to extend the Council's current Insurance Programme arrangements for a period of three months;

The Cabinet – 20th May, 2015

- (3) that in connection with resolutions (1) and (2) above, the Assistant Chief Executive, in consultation with the Cabinet Member for Strategic Resources, as necessary, proceed with the selection process to identify and award a contract to a preferred supplier for the Council's Insurance Programme;
- (4) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the action proposed in resolution (3) above to proceed;
- (5) that in connection with resolutions (2) and (4) above, the Director – Governance enter into any relevant contract(s) to complete the renewal of the Council's Insurance Programme.

91/15

Re-use of the former Langley High School, Moat Road, Oldbury (Key Decision Ref. No. SR216)

The Deputy Leader and Cabinet Member for Strategic Resources reported that on 13th November 2013, the Cabinet gave approval to proceed with the academy/free school process to establish secondary provision on the former Langley High School site on Moat Road, Oldbury (see Minute No. 61/13). Any proposals for a new school had to be considered by the Department for Education.

On 9th April 2014, the Cabinet resolved that in order to establish secondary provision on the former Langley High School site, details of the Council's preferred academy sponsor be submitted to the Secretary of State for Education, for his consideration and that subject to the decision by the Secretary of State for Education, the Council enter into negotiations with the agreed sponsor to prepare the site and buildings for occupation from September 2015.

In December 2014, the Secretary of State approved the Council's preferred sponsor, Mr and Mrs Payne, who sponsored Q3 Academy, Great Barr a well-established and consistently high performing secondary Academy.

The Cabinet – 20th May, 2015

Following the announcement, negotiations had been held with the preferred sponsor. Due to the time taken by the Secretary of State for Education to make the decision, it was not possible to establish the new school for September 2015 as originally proposed.

To ensure the new school was ready to receive pupils in September 2016, it was necessary to complete enabling works before September 2015. Works would include a full asbestos strip and demolition of all existing buildings, except the main sports block built in the 1980s.

The demolition would be delivered through the Council's existing partnership framework which had been procured through the Council's competitive tendering process.

On 13th November 2013, approval was given to allocate, in principle, a sum of £1million from the main capital programme to support the project. It was now proposed to proceed with the expenditure of the main programme funding. The works would be completed ahead of the main contract for delivery of the new school. The delivery of the new school would be funded through the Council's basic need allocation and would form part of the School Capital Programme 2015/16-2017/18 report which would be considered by the Cabinet on 24th June 2015.

An appraisal of the scheme had been undertaken by Strategic Finance. Risks had been identified as a result of the appraisal and action points recommended to mitigate these risks.

An equality impact assessment was not required for this proposal.

The Deputy Leader and Cabinet Member for Strategic Resources recommended the proposals to the Cabinet. Whilst members were minded to approve the proposals, reference was made as to why the local authority was funding an academy school that the authority had no jurisdiction over as Academies were self-governing and financially independent of the Council.

In response, the Deputy Leader and Cabinet Member for Strategic Resources did acknowledge that the situation did appear unusual, however, one of the Council's priorities was to have good schools and the best education for the children of Sandwell and the Council would endeavour to make this happen by providing the land and resources for such schools.

The Cabinet – 20th May, 2015

Resolved:-

- (1) that in order to establish secondary provision on the former Langley High School at Moat Road, Oldbury:-
 - (a) the allocation of main capital programme resources in the sum of £1m be approved;
 - (b) preparatory work on the site of the former Langley High School, Oldbury be undertaken including the removal of asbestos;
 - (c) the former Langley High School at Moat Road, Oldbury be demolished;
 - (d) any unspent funds remaining from the allocated main capital programme as referred to in resolution (1)(a) above, be held back to part fund the delivery of the new school as part of the School's Capital Programme 2015/16-2017/18;
 - (e) the following action points identified within the appraisal report be implemented to reduce any risk to the Council:-
 - provide a corporate Risk Register to identify appropriate risk officers, along with associated target dates for the mitigation of risks;
 - review cost estimates to ensure that sufficient contingency is included and that the total project cost can be managed within the available funding;
 - ensure robust contract monitoring is undertaken to assist with the successful delivery of the site preparation works within required timescales and costs;
 - ensure that a capital appraisal is undertaken of the entire project at the earliest opportunity.

The Cabinet – 20th May, 2015

92/15

Exemption to Extend the Existing Contracts and Authority to Enter into New Contracts for Family Support Services (Key Decision Ref. No. CS050)

The Cabinet Member for Children's Services sought approval to extend the following contracts:-

- Family Support Team: Support to Vulnerable Families, delivered by Barnardos; and
- Family Support Team: Support To Vulnerable Families For Parents Who Have a Learning Disability delivered by Options for Life.

Whilst the contracts had expired on 31st March, 2013, they had been extended, in accordance with the terms of the contract, for a further two years to expire on 30th September 2015.

It was reported that the original services had provided a key resource to support families with additional needs to strengthen families and promote resilience and self-care to prevent children and young people requiring more specialist and intensive support. The services had now become an important element of the Council's Early Help offer.

Both contracts had been reviewed in light of the experiences of Early Help and wider children's services including the establishment of the Multi-Agency Safeguarding Hub in the past few years. Re-tendering the services had been considered, however, an extension was requested to enable the Director – Children and Families to align all relevant contracts in order to create efficiencies around future tendering exercises.

In accordance with the Council's Procurement and Contract Procedure Rules, not more than one negotiated extension was permitted for any contract unless approval was sought from the Cabinet to allow the further extension to proceed.

The Cabinet – 20th May, 2015

Resolved:-

- (1) that an exemption pursuant to the Council's Procurement Contract Procedure Rules be granted to enable a second extension of the contracts for the following services for the period 1st September 2015 to 31st March 2016:-
 - Family Support Team: Support to Vulnerable Families;
 - Family Support Team: Support To Vulnerable Families For Parents Who Have a Learning Disability;
- (2) that, the Director – Governance agree and enter into deeds of variation to extend the contracts referred to in resolution (1) above, on terms to be agreed by the Director of Children's Services;
- (3) that following the appropriate procurement processes and in line with the Council's Procurement and Contract Procedure Rules, the Director – Governance agree and enter into new contracts for the provision of family support services for a period of 3 years from 1st April 2016 (with the option to extend for one year) on terms to be agreed by the Director of Children's Services.

93/15

Accommodation and Support - Strategic Transformation Framework (Key Decision Ref. No. ASC063)

The Cabinet Member for Adult Social Care outlined a new way to provide a choice of accommodation options with the right care and support to enable people to remain within their own communities.

National drivers, including the Care Act, the Better Care Fund and the personalisation agenda, together with reduced resources and increasing demand, meant that there was a need to review the approach to providing accommodation care and support.

The Cabinet – 20th May, 2015

The new offer needed to be based around integration with key partners, a new relationship with Sandwell residents, built around people taking personal responsibility for their own wellbeing and a new relationship with communities, providing improved support and people could enjoy access to a range of local support options.

To deliver this challenging agenda a new way to provide a choice of accommodation options had to be developed. People would be enabled to maintain or develop their independence, have less reliance on long term support, and experience improved wellbeing. The key objectives of the strategic framework were:-

- to provide a detailed understanding of existing and predicted housing and support provision for adult social care users across Sandwell;
- to ensure that when planning for future housing and support needs the remodelling of existing provision be included so as to meet identified and predicted need;
- to shape the housing and support markets to ensure that there was a range of appropriate accommodation available to all adult social care users;
- to enable the Council to adequately plan for future capital and revenue housing and support expenditure;
- to take a whole Council approach, working in close partnership with service users, carers and other key partners in the delivery of a range of housing and support options.

Adult Social Care budgets were being reduced by over £27 million over the period 2013– 2017. It was clear that the service would need to transform to achieve these reductions, whilst ensuring that the care and support needs of increasing numbers of vulnerable adults were met. Alongside these pressures, the strategic framework outlined for approval would have to secure a £2million saving year on year as a project within the Council's Facing the Future programme.

The Council was reviewing priorities within a cross-council approach and had identified initial strategic framework objectives, designed to transform the current operating models and ensure that the Council was in the best possible position to respond.

The Cabinet – 20th May, 2015

The new approach provided the proposed strategic direction and headline objectives for the delivery of personal care, housing and wider support needs for adult social care users in the coming years.

It provided the evidence and rationale for key principles and service outcomes and an agreed direction of travel in a changing social care environment over the coming years.

Officers from across the Council were developing detailed actions around the four key objectives, specifically in relation to identifying and securing potential land and existing property that may meet strategic needs. Moving forward, specific improvement actions would be submitted to Cabinet for approval.

An initial equality impact screening had been undertaken covering the framework and its initial proposals and no adverse impacts had been identified. Detailed equality considerations would be undertaken as specific and defined proposals emerged.

Initial discussions had been held with trade unions and further consultation was planned in due course.

A communication and engagement plan would be completed to ensure all key stakeholders including users of the service, carers, staff, voluntary sector organisations, statutory organisations and the public had the opportunity to shape the future proposals and delivery model.

The Cabinet Member for Adult Social Care recommended the proposals to the Cabinet.

Resolved:-

- (1) that the Adult Social Care Strategic Transformation Framework – Accommodation and Support, as now submitted, be approved as a basis for consultation with key stakeholders over the next three months;
- (2) that, subject to resolution (1) above, the Director – Adult Social Care's approach to lead a cross-council transformation project to pursue the objectives outlined in the Strategic Transformation Framework – Accommodation and Support be endorsed;

The Cabinet – 20th May, 2015

- (3) that, in the event that there are no issues identified as a result of the consultation referred to in resolution (1) above, in consultation with the appropriate Cabinet Members, the use of Council owned land and property be considered as part of the potential solution to the accommodation and support requirements as part of the Strategic Transformation Framework – Accommodation and Support and that a further report on any future proposals be submitted to the Cabinet for decision;
- (4) that the Director – Adult Social Care submit a further report in relation to the outcome of the consultation referred to in resolution (1) above and to provide updates as the Strategic Transformation Framework – Accommodation and Support proposals are developed.

(Meeting ended at 3.36 pm)

Contact Officer: Suky Suthi-Nagra
Democratic Services Unit
0121 569 3479

WEST MIDLANDS JOINT COMMITTEE
CONSTITUTION

[2015]

1. (i) The District Councils of the County of West Midlands established on 24 July 1985 a Joint Committee known as the West Midlands Joint Committee ("the Committee") for the purpose of discharging the functions mentioned in the Annex. The Committee was a joint committee for the purposes of Part VI of the Local Government Act 1972 and the provisions of that part applicable to joint committees shall apply to the Committee.
- (ii) This Revised Constitution has been updated to reflect changes as set out in the Localism Act 2011 in relation to strategic planning and cross boundary infrastructure matters which must now be dealt with via the Duty to Cooperate ("the duty").
2. (i) The Committee shall comprise seven voting members, each District Council being entitled to appoint one voting member who shall be a member of the District Council making the appointment. In the event of any voting member of the Committee ceasing to be a member of the District Council which appointed him/her, the District Council shall forthwith appoint another voting member in his/her place. Only a voting member is entitled to be elected as Chair or Vice-Chair of the Committee.
- (ii) Each District Council may appoint two of its members to attend the meeting of the Committee as observer members in addition to the voting member appointed under (i) above. Such observer members may speak at meetings of the Committee but not vote.
- (iii) Each District Council may appoint members of its Council as substitute for the voting members or observer members appointed under (i) or (ii) above to attend meetings of the Committee and its sub-committees in the absence for any reason of the voting members or observer members appointed under (i) or (ii) above and in attending meetings of the Committee and its sub-committees the substitute voting members or observer members shall be treated in all respects as if they were appointed under (i) or (ii) above as the case may be. The Secretary for the Committee shall be informed prior to the commencement of the meeting of the names of substitute members.

The Cabinet – 20th May, 2015

- (iv) The Chairman of each Joint Authority appointed in the West Midlands shall be an ex officio member of the Committee. Such ex officio members may speak at meetings of the Committee but not vote.
 - (v) The Committee shall, at its Annual Meeting, elect a Chair and Vice-Chair from amongst its voting members. In the event of both being absent from the meeting, the Chair and the Vice-Chair for whatever reason, the Committee shall elect a Chair from amongst the voting members present for that meeting.
 - (vi) Four voting members of the Committee shall constitute a quorum. Except as otherwise provided by statute, all questions shall be decided by a majority of the votes of the voting members present, the Chair having the casting vote in addition to his/her vote as a Member of the Committee.
 - (vii) The Committee will meet as agreed at AGM but in any event at least quarterly. However, a meeting of the Committee may be convened at any time by the Secretary in consultation with the Chair. A meeting of the Committee must also be convened by the Chair within 28 days of the receipt of a requisition of any two voting members of the Committee addressed to the Secretary to the Committee. All requisitions shall be in writing and no business other than that specified in the requisition shall be transacted at such a meeting.
 - (viii) The Committee shall from time to time make such standing orders for the carrying on of the business of the Committee as the Committee shall deem necessary or desirable.
 - (ix) For the avoidance of doubt and subject to there being no changes to the law on this issue, where a District Council is operating executive arrangements pursuant to the Local Government Act 2000 (and any regulations made under it), it will be a matter for the Executive of the District Council to appoint any voting member, observer member or substitute member to the Committee.
3. The Committee shall from time to time appoint such sub-committees to consider and deal with any of the functions of the Committee as may be thought desirable.
4. The Committee shall employ a Secretary and such other officers as may be deemed necessary for the due conduct of the business of the Committee at such remuneration (if any) and upon such terms as the Committee shall decide. The appointment of Secretary shall be for a term of three years and shall be made at the annual meeting of the Committee in the appropriate year.

The Cabinet – 20th May, 2015

5. (i) The Secretary shall keep proper accounts of the money received and expended by the Committee.
- (ii) The Secretary shall apportion the expenses of the Committee between the District Councils in proportion to the population of each district in the County.
6. This Revised Constitution and, subject as hereinafter mentioned, the functions of the Committee may be amended at any time by the unanimous agreement of the District Councils.
7. That the relevant Standing Orders for West Midlands Joint Committee are those of Birmingham City Council.
8. Decision making between meetings is delegated to the Chair, but those decisions are only to be implemented if supported in writing by the signatures of all of the Chief Executives of each of the 7 Districts.

The Cabinet – 20th May, 2015

The Annex

(Functions of the Joint Committee)

1. To make nominations or appointments as the case may be:-
 - (i) to the 5 balancing places of the West Midlands Police and Crime Panel
 - (ii) to the 5 balancing places of the West Midlands Integrated Transport Authority Joint Overview and Scrutiny Committee.
2. In relation to Birmingham Airport, to:-
 - 2.1 (i) determine the exercise of the Districts' powers and rights as shareholders of the Company including the manner in which the Districts' block shareholder vote is to be exercised;
 - (ii) determine the manner in which the block vote is to be cast by any of the Districts' Directors.
 - (iii) determine the exercise of rights and performance of obligations, warranties, indemnities and covenants contained in the Investment Agreement and Taxation Deed relating to the restructuring of the Airport;
 - (iv) appoint and remove the Districts' Directors on the Board and appoint appropriate officers as Districts' Observers to attend Board meetings and support the District Directors.
- 2.2 The delegation of powers by the Districts to the Joint Committee in clause 2.1 shall be subject to a condition that all resolutions of the Joint Committee or any Sub-Committee appointed by the Joint Committee shall be passed by a majority of the members present who between them represent Districts who hold at least 51% of the Districts' total shareholding.
- 2.3 The Joint Committee may arrange for the discharge of their functions by a Sub-Committee subject to the same condition set out in clause 2.2.

The Cabinet – 20th May, 2015

- 2.4 The Joint Committee may arrange for the discharge of their functions subject to the condition set out in clause 2.2 by each of the Districts' Chief Executives or anyone authorized by any District to act in the Chief Executive's absence acting in consultation with the Chair or Vice Chair of the Joint Committee.
3. To co-ordinate actions on important issues affecting the Districts and to provide a vehicle for communicating these actions, and the needs of Districts, to Government and other influential bodies.
 4. To consult and co-operate as respects matters affecting the District Councils (including the Duty to Cooperate and as appropriate with each District Council and the Joint Authorities.
 5. To consider, in consultation with and, if appropriate, in partnership with the Joint Authorities, whether they could make better value arrangements for the provision of any services, supplies or works required in connection with the discharge of the functions of the District Councils.
 6. To co-ordinate the exercise by the District Councils of the enforcement functions conferred on them by the Weights and Measures Act 1985 (as amended) with a view to securing uniformity in the exercise of those functions throughout the West Midlands and the employment provision or use by those Councils for the purposes of those functions of staff, property and facilities.
 7. To oversee the work of and payment of the Joint Data Team contract with Mott Macdonald Ltd dated 27 March 2008.
 8. To receive reports from any partnership
 9. To exercise the functions delegated to it by the Agreement between the District Council relating to landfill brokerage dated 9 September 1994.