

The Cabinet

2nd September, 2015 at 3.00 pm
at the Sandwell Council House, Oldbury

- Present:** Councillor Eling (in the Chair);
Councillors Crompton, Y Davies, Hackett, Khatun
and Moore.
- Apologies:** Councillor Cooper;
Councillors L Horton and Underhill.
- Observers:** Councillors Ahmed, P Hughes, S Jones and
Sandars.

145/15 **Minutes**

Resolved that the minutes of the meeting held on 19th
August, 2015 be confirmed as a correct record.

Strategic Items

146/15 **Salix Interest Free Loan Scheme for new boilers at Smethwick Council House – Appraisal of Application (Key Decision Ref. No. FR014)**

The Deputy Leader and Cabinet Member for Finance and Resources sought approval to submit an application for an interest free loan to Salix Finance Ltd for £0.081m to support the boiler replacement programme at Smethwick Council House.

The loan would be used to install a new gas supply and replace the existing oil fired boilers with new gas fired systems at Smethwick Council House in order to address the high maintenance cost of the existing system.

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The total cost of the project was £0.220m and would be met from the Council's Property Maintenance Account (£0.139m) and Facilities Management revenue budget (£0.081m).

An equality impact assessment was not required for this proposal.

The Deputy Leader and Cabinet Member for Finance and Resources recommended the proposals for approval.

Resolved:-

- (1) that the application to Salix Finance Ltd for the provision of an interest free loan in the sum of £0.081m to part-fund the replacement of the boiler at Smethwick Council House be supported;
- (2) that subject to resolution (1) above, the following action points identified within the appraisal report be implemented to reduce any risk to the Council:-
 - ensure detailed cost estimates are obtained to ensure that sufficient contingency is included and that the total project cost can be managed within the available funding;
 - undertake robust monitoring against the estimated energy savings to ensure that any shortfall in savings or additional project costs are notified to the appropriate finance officer at the earliest opportunity;
 - ensure that additional funding requirements can be met from within the Council's Property Maintenance Account's existing resources;
 - undertake robust contract monitoring to assist with the successful delivery of the project within required timescales and costs;
 - ensure correct accounting treatment of the loan within the Council's balance sheet.

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147/15

Fast Response and Reablement (Key Decision Ref. No. ASCH009)

The Cabinet Member for Adult Social Care and Health sought approval to undertake a procurement process to identify a suitable supplier for a fast response and reablement early supported hospital discharge service for Sandwell for the period 7th October 2015 to 31st March 2016.

The current contract enabled the reduction of delayed transfers of care whilst ensuring continued contributions to winter planning with health partners in relation to effective hospital discharges.

An annual budget of £180,000 had been identified to support the transformation and integration of health and social care provision in Sandwell.

An equality impact assessment had been completed and the continuation of the existing service had no negative or adverse impacts on any group.

The Cabinet Member for Adult Social Care and Health recommended the proposals for approval.

In response to a question from the Chair of the Housing Scrutiny Board, the Cabinet Member for Adult Social Care and Health confirmed that, going forward, the new contract would be addressing three areas of health provision within each town in order to bring health services together to improve efficiency.

Resolved:-

- (1) that the Director – Adult Social Care proceed with the procurement and evaluation process to identify a suitable supplier and award the contract for fast response and reablement early supported hospital discharge service for Sandwell;

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- (2) that, in connection with resolution (1) above, following the procurement process and the evaluation of the tenders received, in the event that the value of the contract exceeds the limits set out in the Council's Procurement and Contract Procedure Rules, a further report be submitted to the Cabinet to award the contact to the identified supplier(s);
- (3) that, subject to resolution (1) and (2) above, the Director – Governance enter into an appropriate contract with the successful tenderer for a Fast Response and Reablement Early Supported Hospital Discharge Service for Sandwell.

Business Matters

148/15

Amendments to the Schedule of Designated Officers

The Deputy Leader and Cabinet Member for Finance and Resources sought approval to amend the Schedule of Designated Officers to enable those officers at a salary Band F and above to hold responsibility for stage two meetings within the Council's employee management procedures including performance capability, sickness absence management and grievance.

The current arrangements allowed for Band H officers or above to undertake specific stages in the process which stages, however, for a disciplinary, a Band E officer could take responsibility for a stage two meeting.

Due to restructuring and downsizing in management across the Council, an increased demand had been placed on a smaller number of Band H officers which was now resulting in delays in holding meetings due to the lack of managerial availability. The amended schedule would enable Band F officers and above to conduct stage two to alleviate pressures currently being experienced.

The proposed changes would not require any re-evaluation of salary grades as Band F and G officers had additional responsibility for supervision included within their job descriptions.

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An equality impact assessment was not required for this proposal.

The Deputy Leader and Cabinet Member for Finance and Resources recommended the proposals for approval.

Resolved that the Schedule of Designated Officers for performance capability, sickness absence management and grievance procedures be amended to authorise those officers at a salary Band F grade and above to hold responsibility for stage two meetings, in so far as those officers have responsibility for supervision.

149/15

Sandwell Walking Strategy 2015-2020

The Cabinet Member for Adult Social Care and Health sought approval for the Sandwell Walking Strategy 2015-2020.

The Walking Strategy was first adopted in 2001 and an updated plan was needed to reflect changes in Public Health, the current emphasis on further integration of Public Health and to take advantage of the opportunities that had since arisen.

The revised strategy had five themes, as follows:-

- to develop and maintain quality walking routes and connections;
- to provide information on the existing walking network;
- to promote walking to school, work and for leisure;
- to support people that represented walking interests;
- to collect evidence to monitor the extent of walking.

The following four outcomes had been developed to complement the five themes:-

- to increase the number and length of walking trips;
- to improve health of the population through encouraging healthy lifestyles;
- to reduce the fear of anti-social behaviour on walking routes;
- to reduce pedestrian casualties.

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The targets that the strategy aimed to deliver were focused on increasing the levels of walking uptake for shorter trips. The strategy would support and build on existing Council objectives such as personal safety, pavement parking and dog fouling.

An equality impact assessment was not required for this proposal.

The Cabinet Member for Adult Social Care and Health recommended the proposals for approval.

In answering questions from the Chair of the Housing Scrutiny Board, the Cabinet Member for Adult Social Care and Health confirmed that:-

- encouraging walking to school at an early age was essential and could help in supporting walking as an adult. Road safety and awareness was an essential part of walking and it was recognised that officers promoting the strategy could liaise with Highways officers in order to ensure that this was promoted;
- whilst the Council had not been involved in the 'Living Streets' project which had been led by Durham County Council, when drawing up the strategy, the Council had looked at best practice advocated by the project. The views of Durham County Council on this strategy had also been sought;
- most of the funding from within the West Midlands Sustainable Transport Fund to help put the aims of the Strategy into practice were now coming to an end. Most funding opportunities available had also now been committed to other projects;
- the suggestion to promote the strategy at the 'Face the People' events within each town to highlight the benefits of walking was welcomed.

Resolved:-

- (1) that the Sandwell Walking Strategy for 2015 - 2020 be approved and adopted with immediate effect;
- (2) that the principle that people should be encouraged to make local journeys on foot as part of a safer, healthier and greener transport policy be endorsed;

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- (3) that the Director – Public Health submit an annual report to the Cabinet Member for Adult Social Care and Health on the progress of the Sandwell Walking Strategy.

150/15

Sandwell's Anti-Poverty Action Plan

The Deputy Leader and Cabinet Member for Finance and Resources and the Cabinet Member for Adult Social Care and Health sought approval to Sandwell's Anti-Poverty Action Plan.

It was anticipated that the poverty gap in Sandwell would rise in the near future as a result of the welfare reforms and changes to government policy.

The action plan would ensure that local people would benefit from any developments by ensuring pre-employment support. A secondary anti-poverty action plan had been prepared as a result of discussions with the voluntary sector partners. This would set a course of action for addressing poverty and additional actions that external agencies would carry out.

The plan aimed to ensure that a money saving campaign was endorsed, raising the profile of anti-poverty in the community and ensuring the continued use of existing Council communication channels in order to raise the momentum of the campaign.

The revised action plan brought together the actions from the two anti-poverty events held in February 2014 and May 2015 and the work of the financial capability, food poverty and fuel poverty networks that were set up as a result of the first event.

The actions had been grouped into the following seven key aims with addressing child poverty as an objective throughout:-

1. help people and families to maximise their income and reduce costs;
2. create pathways into local employment;
3. creating stronger communities as a means of meeting local need;

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4. local agencies using their powers to address anti-poverty;
5. respond to food poverty;
6. work together to share information, maximise impact and maximise use of resources;
7. develop collaborative information and take up campaigns and use local intelligence to influence policy.

In recommending the proposals for approval, the Deputy Leader and Cabinet Member for Finance and Resources and the Cabinet Member for Adult Social Care and Health reiterated that a number of vulnerable Sandwell residents had suffered considerable hardship due to sanctions in benefits. Where the Council had supported those residents who had appealed against the cuts in their benefits, those sanctions had been overturned by the courts as it was deemed to have been unfairly imposed.

The Council was working in partnership with the voluntary sector in order to promote the action plan.

In response to a number of questions from the Chairs of the Health and Adult Social Care Scrutiny Board and the Housing Scrutiny Board, the Cabinet Member for Adult Social Care and Health confirmed that:-

- as part of the money saving campaign, a step-by-step guide to switching energy providers would shortly be published in The Herald newspaper. Switching energy providers was a key element to saving money and could save a resident approximately £200-£400 per year;
- a champion was needed to address the negative myths associated with switching energy providers;
- the money saving campaign would be targeted at care leavers to ensure that they did not enter into fuel poverty as a result of leaving Council care. By switching energy providers, it would ensure that all households had the best deal for utilising energy;
- in response to Aim 5 within the action plan, relating to tackling food poverty, it was felt that in many cases, growing your own vegetables in a community market garden was not always commercially viable as many low cost stores were now providing fruit and vegetables at a lower cost than growing them.

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Resolved:-

- (1) that the revised Anti–Poverty Action Plan be approved;
- (2) that the money saving campaign, utilising a wide range of Council communication channels including the website, The Herald and social media, as well as channels used by the voluntary sector and other partners, be endorsed.

151/15 **Approval of Fees for Five Year Private Hire Operators’ Licences**

The Cabinet Member for Highways and Environment sought approval to the introduction of five year private hire operators’ licences in the Borough.

Currently, applicants for private hire operators’ licences were able to apply for a one or three year licence. However, under the Deregulations Act 2015, the facility would be offered for applicants to apply for a five year licence. Issuing licences for a shorter period was dependent on personal circumstances.

Licensing of private hire and hackney carriage trades was a requirement of the Local Government (Miscellaneous Provisions) Act 1976. The Act enabled local authorities to levy charges to meet this requirement resulting in a self–financing service.

The efficiencies created by the reduction in administration through not issuing licences on an annual basis would result in three and five year licence fees being lowered on a pro-rata basis.

The proposed fees for the grant or renewal of a five year operators’ licence would be published for a 28 day period. In the event that there were no unresolved objections received during the 28 day period, the fees would be introduced. Any unresolved issues would be reported to the Cabinet Member for decision.

The Cabinet Member for Highways and Environment recommended the proposals for approval.

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Resolved:-

- (1) that the fees for the grant and renewal of a five year private hire operators' licence, as set out in Appendix 1, be approved and implemented with effect from the day after the end of the statutory objection period;
- (2) that in connection with resolution (1) above, in the event that any unresolved objections are received, a further report be submitted to the Cabinet Member for Highways and Environment for decision.

152/15

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) and in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Strategic Items

153/15

Residential Care Home Fees 2015/16 (Key Decision Ref. No. ASCH002)

The Cabinet Member for Adult Social Care and Health sought approval to the proposed fees for residential care homes for 2015/16.

Sandwell was responsible for commissioning, contracting and payment of residential care home placements. This requirement assessed the criteria of older people who did not have assets which exceeded Government guidelines. Individuals would be charged by the Council for their placements depending on their financial circumstances.

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Placements for care home arrangements had been purchased at standard rates set by the Council and work had been carried out to determine whether a fee increase would be feasible.

In order to identify appropriate fee levels for 2015/16, an analysis of the market in recent years had been conducted and now revealed:-

- the total number of placements commissioned by the Council had reduced over the last five years;
- the number of registered beds in Sandwell had increased;
- the placements made to care homes with nursing had increased;
- the market had responded with an increase in registered nursing home beds.

A difficulty remained in the sector about the profitability of homes which were dependent on factors such as fees and occupancy. Occupancy levels had been a concern in the sector and maintaining a viable business for the Council. However, any impact of a small fee increase could be surpassed by changes to occupancy.

The Council had been in consultation with the sector on potential increases to fees taking into consideration current factors in the industry, potential rises in the minimum wage, impact of the pension auto enrolments and the cost of living.

More homes were now charging a top-up than in previous years and the increasing need and dependencies of residents going into care homes or deteriorating in care homes had an impact on staffing levels and finances. Following consultation between the West Midlands Care Association with the community sector, it was proposed that a 1.5% increase in fees be introduced. The Association, on behalf of the Council, was subsequently requested to make an offer for care home fees paid on the standard rate to be increased by 1.5% across all categories of care.

An equality impact assessment was not required for this proposal.

The Cabinet Member for Adult Social Care and Health recommended the proposals for approval.

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In response to a number of questions from the Chairs of the Health and Adult Social Care Scrutiny Board and the Housing Scrutiny Board, the Cabinet Member for Adult Social Care and Health confirmed that:-

- there had been a lack of engagement on the proposed fees by the sector due to unwillingness to share information relating to profit;
- whilst the Council, at its discretion, may legally demand a top-up from Sandwell families receiving an increase between 0% and 1.5%, it would be difficult not to apply this to all providers. The top-up was not connected to basic provision and the Cabinet Member sought to discourage the use of top-ups wherever possible;
- there had been a difference in the number of placements into residential care as some residents were on the standard rate and not paying top-up whilst the others were on negotiated top-up fees.

Resolved:-

- (1) that the Director - Adult Social Care request the West Midlands Care Association to make an offer, on behalf of the Council, for care home fees paid on the standard rate to be increased by 1.5% across all categories of care in 2015/2016 as set out below:-

	Residential	Residential Elderly Mentally Ill	Nursing	Elderly Mentally Ill Nursing
	£ /week	£ /week	£ /week	£ /week
2014/15	378.00	428.00	491.10	498.10
2015/16	384.00	434.00	499.59	506.70
Impact of difference	6.00	6.00	£8.49 (of which £1.11 will be paid by the Department of Health following increase to NHS contribution)	£8.60 (of which £1.11 will be paid by the Department of Health following increase to NHS contribution)

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- (2) that if the increase in fees set out in resolution (1) above is agreed by the sector, the Director - Adult Social Care implement the increase with immediate effect;
- (3) that in the event the sector do not agree with the offer, outlined in resolution (1) above, a further evidence based report be submitted to the Cabinet on the feedback from the consultation and alternative proposals;
- (4) that subject to resolution (1) above, an increase to the Elderly Mentally Ill rates be contingent on Residential Elderly Mentally Ill care home providers and all Elderly Mentally Ill Nursing Home providers accepting the Council's revised contract specification for Elderly Mentally Ill care and in the event that any care home rejects the new contract terms, they remain on 2014/15 fee levels.

154/15

Senior Management Review – Adult Social Care, Public Health and Homes and Communities (Key Decision Ref. No. FR006)

The Deputy Leader and Cabinet Member for Finance and Resources sought approval to proposals to review the senior management structure in order to ensure efficiency, effectiveness and ability to respond to future challenges. Recent reviews into departments had highlighted the need for significant changes and associated further reductions in senior management cost.

In order to reflect a more streamlined approach to strategic housing functions in both public and private sector housing, it was proposed that the Homes and Communities directorate be dissolved with effect from 31st December 2015. The incorporation into the council of the former Primary Care Trust Public Health functions in April 2013 had also created the opportunity to consolidate a range of environmental health and trading standards related services, which were currently part of the Homes and Communities Directorate, into the new Public Health directorate to create a single, integrated public health and enforcement-related service area. The services provided by the Directorate would be distributed between the Regeneration and Economy, Neighbourhoods and Public Health directorates.

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The post of Director – Homes and Communities would be made redundant and the post-holder placed at risk of redundancy with immediate effect.

To ensure continued senior capacity existed to work across directorates on housing strategy development, it was proposed to establish a post of Service Manager – Housing Strategy within the Regeneration and Economy directorate.

Council at its meeting on 2 September, 2014, endorsed the secondment of the Director – Street Scene to the Facing the Future budget programme and to the redistribution of the majority of the operational areas within the Street Scene Directorate between the Assistant Chief Executive, Director – Neighbourhoods and the Director – Regeneration and Economy. This arrangement had worked well and it was therefore proposed to delete post of Director – Street Scene when the current secondment arrangements ended in April 2016.

The arrangements in Adult Social Care and Health had been reviewed due to the number of fundamental reforms to the way in which the service was funded and delivered across the country. In order to meet these challenges, the statutory role of Director – Adult Social Services would be required to take on new duties and responsibilities, particularly in relation to the integration of Health and Social Care funding.

It was recognised that additional management capacity was required in order to respond appropriately and Public Health would be well placed to identify and provide early help and preventative measures aimed at reducing the demand on Adult Social Care services.

In order to embed the integration, it was proposed that existing Director – Adult Social Care would be re-graded and re-designated Director of Adult Social Care, Health and Wellbeing and that the Director – Public Health report to the new Director post, retaining reporting lines to the Chief Executive where this was required under legislation.

A new post of Chief Operations Officer – Adult Social Care would be established to manage the day to day operation of Adult Social Care. This post would be created at Director level to reflect the level of responsibility within the authority.

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In view of the rapidly changing Health and Social Care agenda and the uncertainty around the Better Care Fund funding arrangements, it was proposed that this post be temporary for two years. After this time, the Chief Executive would undertake a review, in consultation with the Leader and Deputy Leader of the Council, to determine both the affordability and appropriateness of continuing the post on a permanent basis. The proposed changes would be met from within existing budget provisions.

An equality impact assessment was not required for this proposal.

The Deputy Leader and Cabinet Member for Finance and Resources recommended the proposals for approval.

In response to a number of questions from the Chairs of the Health and Adult Social Care Scrutiny Board and the Housing Scrutiny Board, the Deputy Leader and Cabinet Member for Finance and Resources confirmed that:-

- the titles of Directors across the Council did not always reflect the total breadth of services they were responsible for but had been simplified in order to be meaningful to the public;
- in order to deliver a seamless approach, managing across the different Directorates was essential to make each service area effective;
- the Council needed to ensure that the right management structure was in place to deliver the Council's priorities.

Resolved to recommend to Council that:-

- (1) the re-alignment of the current services within the Homes and Communities directorate, as set out in Appendix 2, be approved;
- (2) the permanent re-alignment of the current services within the Street Scene directorate to the Assistant Chief Executive, Regeneration and Economy and Neighbourhood Services directorates, in line with the current temporary arrangements, be approved and to authorise the Chief Executive to determine the realignment of those services which currently remain with the Director – Street Scene, at a time that best meets the Council's needs;

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- (3) the transfer of relevant budgets, financial, staffing and other associated resources and physical assets, across the realigned services, as referred to in resolution (1) and (2) above, be approved;
- (4) the following changes to the establishment of the senior management structure, as set out in Appendix 3, be approved:-
 - (a) the deletion of the current posts of Director – Homes and Communities and Director – Street Scene, with effect from a date to be determined by the Chief Executive, in consultation with the Leader and the Deputy Leader of the Council;
 - (b) the re-grading and re-designation of the post of Director - Adult Social Care to Director - Adult Social Care, Health and Wellbeing at a salary in line with the remuneration of the post of Director - Children’s Services and otherwise on the terms and conditions of employment of chief officers of the Council;
 - (c) the designation of the post of Director - Adult Social Care, Health and Wellbeing as the statutory Director of Adult Social Services;
 - (d) the establishment of a new post of Chief Operations Officer - Adult Social Care, temporary for two years in the first instance, at a salary in accordance with the salary scale for chief officers and otherwise on the terms and conditions of employment of chief officers of the Council, with effect from a date to be determined by the Chief Executive, in consultation with the Leader and the Deputy Leader of the Council;
 - (e) the establishment of a post of Service Manager – Housing Strategy at a salary in accordance with the salary scale for Service Managers and otherwise on the terms and conditions of employment for officers of the Council, with effect from a date to be determined by the Chief Executive,

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- (5) the application for voluntary redundancy of the current holder of the post of Director – Street Scene be approved, from a date to be determined by the Chief Executive in consultation with the Leader and the Deputy Leader of the Council;
- (6) the current holder of the post of Director - Homes and Communities be placed at risk of redundancy with immediate effect;
- (7) subject to the Chief Officer Terms and Conditions Committee being satisfied as to the suitability of the person for the role, the current holder of the post of Director – Adult Social Care be offered the post of Adult Social Care, Health and Wellbeing;
- (8) the Service Manager – Governance be authorised to reassign the functions currently delegated to the affected posts under the Council’s Scheme of Delegation, to the relevant chief officer posts in the new structure, upon deletion of the posts referred to in resolution (4)(a) above; and,
- (9) the Chief Executive, in consultation with the Leader and the Deputy Leader of the Council be authorised to take all other action necessary to give effect to the senior management review.

(Meeting ended at 3:51pm)

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Appendix 1

Private Hire Operators (Current Fees)

Grant / New Application (one year)	£624
Renewal (one year)	£520
Grant / New Application (three years)	£1650
Renewal (three years)	£1450
Proposed fees relating to five year licences	
Grant / New Application (five years)	£2500
Renewal (five years)	£2250

Proposed Re-distribution of Services

Current Location	Service	Proposed Location
Homes and Communities	Housing and Partnerships	Regeneration and Economy
Homes and Communities	Regulatory Services - Environmental Health and Trading Standards	Public Health
Homes and Communities	The Quality Housing Team	Public Health
Homes and Communities	The Customer Support team and database support	Public Health (subject to further review following transfer)
Homes and Communities	Home Improvements	Adults
Homes and Communities	Partnership Management (Housing)	Neighbourhoods
Homes and Communities	Asset Management	Neighbourhoods
Former Street Scene	Waste Improvement Partnership	Neighbourhoods
Former Street Scene	Passenger Transport	Children and Families
Former Street Scene	Taxi Licencing	ACE (Legal)

Proposed Structure

