

The Cabinet

14th October, 2015 at 3.00 pm
at the Sandwell Council House, Oldbury

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

Apology: Councillor L Horton.

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

161/15 **Minutes**

Resolved that the minutes of the meetings held on 2nd and 16th September, 2015 be confirmed as a correct record.

Strategic Items

162/15 **Appointment of Adults and Children's Client Information System Supplier (Key Decision Ref. No. FR021)**

Further to Cabinet Minute No. 73/15, the Deputy Leader and Cabinet Member for Finance and Resources gave details on the outcome of the procurement process to identify a preferred supplier to implement a client information system for Adults and Children's Social Care Services and sought approval to award the contract to the preferred supplier.

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Following an Official Journal of European Union notice and a bidder's day with prospective bidders to highlight the objectives of the procurement process, the Council issued a Pre-Qualification Questionnaire which revealed that four of the seven potential partners had expressed an interest in the contract. These were taken forward to the Invitation to Negotiate stage which specified what the Council required from the ICT contract which included implementation and change, software and hardware.

Following the evaluation and moderation of the Invitation to Negotiate stage, a Best and Final Offer invitation was issued to two bidders. The final tenders received from both bidders did not include proposals for the optional provision of Hardware. However, at the appropriate point in implementation, the Council would procure devices and hardware through existing procurement processes.

Following the evaluation of the final tenders, it was proposed that Liquid Logic, in partnership with Ernst & Young, be appointed as the Preferred Bidder as their bid was the most likely to meet the Council's requirements and provide value for money. The total cost of the tender was £5,130,000 over the ten year contract period.

The additional costs of reporting software had been included in the business case for this project.

An appraisal of the project had been undertaken by Strategic Finance and a number of risks had been identified and action points recommended to mitigate these risks.

In recommending the proposals for approval, the Deputy Leader and Cabinet Member for Finance and Resources confirmed that he would be monitoring plans to ensure that the action recommended to mitigate those risks identified had been undertaken. The Deputy Leader would also be looking at the systems to ensure that the maximum benefits were being attained.

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Following a question from the Chair of the Housing Scrutiny Board which sought clarification on whether any social value benefits could be derived from the contract, the Deputy Leader reported that as it was a system that staff would be using, the social value for members of the public was limited. However, there were a number of benefits in proceeding with this contract which included providing local employment and training opportunities and mentoring to schools, charities, business and social enterprises.

Resolved:-

- (1) that Liquid Logic, in partnership with Ernst and Young, be appointed as the Preferred Bidder for the provision of the Adults Services and Children's Services Client Information System on a contract term of up to ten years, at a sum of £5,130,000, on the basis that their final submission has been evaluated as 'good' overall and likely to meet the Council's requirements;
- (2) that, subject to resolution (1) above, the Director – Governance, in consultation with the Chief Executive and the Assistant Chief Executive, award and sign the contract for the provision of the Adults Services and Children's Services Client Information System, together with all related documentation, for the services with the Preferred Bidder based on its final tender;
- (3) that, in connection with resolution (1) and (2) above, the Assistant Chief Executive and Director – Governance make any necessary non-material amendments to the contract and related documentation;
- (4) that the application of the following funding sources for the provision of the Adults Services and Children's Services Client Information System be approved:-

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	2015/16 – 2024/25		
	Revenue	Capital	Total
	£'000	£'000	£'000
<u>Funding</u>			
Existing Main Programme Allocation		243	243
Small Capital Allocations		287	287
Adult Social Care Capital Grant 2014/15		1,014	1,014
Adult Social Care Capital Grant 2015/16 (part)		313	313
Earmarked Revenue Balance	1,000		1,000
Redirection of current system (Swift) maintenance budget (2017/18 onwards)	1,760		1,760
Redirection of Back Office resources (2016/17 onwards)	953		953
Total Funding	3,713	1,857	5,570

(5) 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 sufficient funding is identified for the replacement of user devices and hardware and that future funding requirements are accommodated within the Council's medium to long term financial strategy;
- ensure risks identified within the Risk Register are managed effectively in order to reduce the risk to the Council;
- obtain Cabinet approval for the proposed funding sources for the project;
- ensure that Children's and Adult Services budgets are managed to adequately align

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- the timing of expenditure and funding for the project;
- review the proposed savings to ensure that they can be generated to meet cash flow requirements and that they are not offered up as future savings within the Facing the Future programme;
- identify adequate project management resources and allocation of roles and responsibilities to individual officers and ensure adequate contract monitoring procedures are in place to monitor the performance of the contract;
- determine a process for post project evaluation and how proposed outcomes will be measured.

163/15

Establishment and Membership of West Midlands Rail Limited (Key Decision Ref. No. RE1006)

The Cabinet Member for Regeneration and Economic Investment sought approval to the proposed governance arrangements for the development and oversight of the West Midlands Rail Franchise through West Midlands Rail Limited. The Council was also recommended to join West Midlands Rail Limited as an associate member, to appoint the Leader of the Council as a principal director on the Board of Midlands Rail Limited and the member responsible for transport as the substitute director on that Board.

Rail devolution provided an opportunity for increased local involvement and influence over local rail services. Over the last two and a half years, the Council had been working with the West Midlands Integrated Transport Authority, Centro and all other West Midlands metropolitan, shire and unitary authorities to develop a proposal for increasing local involvement and influence over local rail services through the franchise letting process.

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The West Midlands Leaders' Rail Group was established in September 2014 and had indicated that a separate body should engage with the Department for Transport on the letting of the West Midlands Rail Franchise and participate in the management of the Franchise. It was therefore proposed to set up the West Midlands Rail Limited company limited by guarantee and owned by the partner authorities.

A formal Partnership Agreement would be negotiated between West Midlands Rail Limited and Department for Transport to govern the relationship between the two organisations, and would set out the rights and obligations of both parties.

The Cabinet Member for Regeneration and Economic Investment recommended the proposals for approval.

Following a question from the Chair of the Health and Adult Social Care Scrutiny Board which sought clarification on whether in 2020, the railways would be fit for social ownership locally and not corporately, the Cabinet Members for Regeneration and Economic Investment and Finance and Resources confirmed that it would be Government who determined policy on the franchising of railways.

Resolved:-

(1) that the proposed governance arrangements for the development and oversight of the West Midlands Rail Limited be approved;

(2) that the Council be recommended to approve:-

- (a) Sandwell Metropolitan Borough Council becoming a member of West Midlands Rail Limited;
- (b) the appointment of the Leader of the Council as a principal director on the Board of West Midlands Rail Limited and the member responsible for transport as the substitute director on that Board;

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- (3) that the Director - Governance enter into or execute such legal documents as are necessary, to give effect to the decisions referred to in resolution (1) and (2) above.

164/15

Award of Call off Work Orders against the Framework Agreement for the Improvement Programme (Phase 3) to Council Owned Properties (Key Decision Ref. No. TNS030)

The Cabinet Member for Regeneration and Economic Investment sought approval to award works orders to Vinci Construction UK Limited, Wates Construction Limited and Lovell Partnerships Limited who had been appointed to a framework agreement to bring the remainder of the Council's stock of low- rise flats and houses and high-rise flats internally up to the Sandwell standard. Details of the award of the framework were agreed by the former Cabinet Member for Town and Neighbourhood Services on 11th February 2014 (see Decision No. 3/14).

Works were placed via a works order issued against the framework agreement. Works orders may be issued at any time during the contract period, however, the majority of works orders were issued on a six monthly basis.

An equality impact assessment was not required for this proposal.

The Cabinet Member for Regeneration and Economic Investment recommended the proposals for approval.

Resolved that in connection with Decision No. 3/14 of the former Cabinet Member for Town and Neighbourhood Services relating to the award of a framework agreement to Vinci Construction UK Limited, Wates Construction Limited and Lovell Partnerships Limited to implement Phase 3 of the Improvement Programme to improve Council owned properties:-

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- (a) the Director – Homes and Communities award works orders to Vinci Construction UK Limited, Wates Construction Limited and Lovell Partnerships Limited the three year period January 2014 to December 2016 with the option to extend for a further twelve months;
- (b) the Director – Governance enter into framework agreements and any appropriate legal agreements for works orders to facilitate the operation of the framework agreement with Vinci Construction UK Limited, Wates Construction Limited and Lovell Partnerships Limited.

165/15

Whole School Approach to Emotional Health and Well Being – Action Plans and Social and Emotional Learning Programme (Key Decision Ref. No. ASCH013)

The Cabinet Member for Adult Social Care and Health sought approval to action plans and social and emotional learning programmes for primary schools in Sandwell.

A public health review had identified that there had been a shortfall in the commissioning of universal emotional health and wellbeing services in Sandwell.

A whole school approach around emotional health and wellbeing would enable a culture and ethos in a school which supported the development of emotional health and wellbeing as well as the teaching of social and emotional skills as part of the taught curriculum to build resilience and coping strategies.

The approach to schools had been comprised of three elements which consisted of emotional health, wellbeing audit and the establishment and implementation of an action plan to address gaps in each school. The social and emotional learning programme had been incorporated into the curriculum.

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Currently, there were no social and emotional learning training programmes available for schools to readily engage with in Sandwell. It was therefore proposed that options to make such a programme available to Sandwell schools were explored and funded as part of this ‘whole school approach’.

The social and emotional learning programme would operate for two years with the potential for a third year subject to a pilot phase in year one and meeting expected outputs and outcomes at end of year two. The programme would be made available to all primary schools in Sandwell from autumn 2015.

The approximate cost of the proposal was £242,548 over the initial two years, and a total of £358,000 over a potential three years (subject to achieving expected outputs and outcomes at the end of year two).

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

Following a number of questions from the Chair of the Children and Education Scrutiny Board, the Chair of the Health and Adult Social Care Scrutiny Board and the Chair of the Housing Scrutiny Board, the Cabinet Member for Adult Social Care and Health confirmed that:-

- a number of strategies would be deployed to ensure that the child’s voice was heard in order to influence decisions. This included supporting the Schools Council, supporting pupils with Special Education Needs and Disability by giving them tick boxes to ascertain their views and by directly asking pupils and listening to their views in order to develop pupils emotional maturity;
- whilst supporting pupils throughout their school life was imperative, due to restricted funding, it was felt that using the funding to target pupils at a younger age would be more beneficial as it would have a lasting impact long term. The Cabinet Member was confident that various approaches to supporting staff was being developed and by using a whole school

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approach, there would be significant reductions in problems at a secondary school level as a more robust approach was adopted at primary school level;

- the succession plan after the programme ended in three years' time was that primary schools would change their culture and would be more adept at dealing with problems;
- the social and emotional learning programme had been available previously in schools, however, due to funding cuts, the programme had ceased in 2010. Public Health believed a preventative role should be played by schools to ensure emotional maturity for pupils was developed.

Resolved:-

- (1) that a sum of £358,000 be allocated from the Public Health budget to support the whole school approach to emotional health and wellbeing within all Sandwell primary schools for a period of three years;
- (2) that subject to resolution (1) above, the Director – Governance modify the School Health Nursing Contract, on terms to be agreed by the Director - Public Health, in order to incorporate dedicated specialist capacity to support the implementation and monitoring of emotional health and wellbeing plans in schools;
- (3) that subject to resolution (1) and (2) above, a social and emotional learning programme is run for Sandwell primary schools, for two years, with the potential for a third year subject to a pilot phase in year one and meeting expected outputs and outcomes at end of year two;
- (4) that, in connection with resolution (1) above, the Director – Public Health submit a further report to the Cabinet on the success of the social and emotional learning programme.

166/15

Black Country Regulators Operating Framework (Key Decision Ref. No. TNS029)

The Leader of the Council and portfolio holder for Town and Neighbourhood Services sought approval to the proposed joint Black Country Regulators Operating Framework. Approval was also sought for the Director - Homes and Communities to approve the final version of the Operating Framework once consultation had been completed.

The aim of the framework was to make arrangements between the regulatory services of the local authorities in the Black Country and the local business community to provide a regulatory environment.

The department of Business Innovation and Skills and Better Regulation Delivery Office had selected the Black Country Local Enterprise Partnership to further pilot and roll-out the Better Business for All initiative. The pilot integrated the regulation and growth agenda in the following ways:-

- identification of local issues/concerns with regulatory delivery;
- development of the regulatory and business partnerships;
- demonstration of commitment to the Better Business for All programme.

A report was commissioned by the Black Country steering group, which comprised of representatives from each of the four authorities, to enhance the impact of the project in the Black Country. The report recommended that Regulatory Service representation on the Growth Hub Steering Group and promotion of Regulatory Services via the Growth Hub website should be undertaken as well as developing a Black Country Operating Framework.

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The component parts of the draft framework had been out to consultation amongst regulatory partners and the commercial sector since 1st July 2015. Consultation had now been concluded and final amendments were being made to the framework which would be published on the Council's website.

The Leader of the Council recommended the proposals for approval.

Resolved:-

- (1) that the draft Black Country Regulators Operating Framework comprising of a Regulators Charter and Mission Statement, a Regulation and Compliance Policy and Service Standards, which is currently out for consultation, be received,
- (2) that, in connection with resolution (1) above, following any amendments necessary as a result of consultation amongst regulatory partners and the commercial sector, the Director - Homes and Communities approve the final version of the Black Country Operating Framework, in consultation with the Leader of the Council;
- (3) that, subject to resolution (1) and (2) above, the promotion of the Black Country Regulatory Services 'offer' be undertaken through the Growth Hub website.

167/15

Contract for the Provision of an Advocacy Service for Looked After Children (Key Decision Ref. No.CS055)

The Cabinet Member for Children's Services sought approval to proposals to carry out a procurement exercise to contract a suitable supplier to provide an Advocacy Service for the children and young people being looked after by the Council and by Dudley, Wolverhampton and Walsall councils.

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To support Children's Services in ensuring the voices of looked after children were heard and that they were involved in decision making regarding their care, an independent advocacy service had been procured in 2011. The procurement of this service had been led by the Council in partnership with Walsall, Wolverhampton and Dudley councils and would end on 31st March 2016. The proposed contract would continue to be led by Sandwell on behalf of the four councils.

Sandwell's annual contribution was £64,000 per annum for the period of the contract.

An equality impact assessment was not required for this proposal.

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

Resolved:-

- (1) that, following the completion of a compliant procurement process, the Director - Children and Families be authorised to award a contract for the provision of an Advocacy Service for Looked after Children for a period of three years, with the option to extend for one year, at a total sum not exceeding £256,000;
- (2) that subject to resolution (1) above, in the event that the cost does exceed £256,000, the Director – Children and Families, in consultation with the Cabinet Member for Children's Services, be authorised to consider and determine the sums to be incurred and whether the contract should proceed;

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- (3) that, subject to resolution (1) and (2) above, following the appropriate procurement processes, the Director - Governance be authorised to agree and enter into a contract for the provision of an Advocacy Service for Looked after Children for a period of three years, with the option to extend for one year, on terms to be agreed by the Director - Children and Families.

168/15

Model Local Authority/Schools' Pay Policy and Unattached Teachers' Pay Policy 2015/16 (Key Decision Ref. No. CS052)

The Cabinet Member for Children's Services presented the proposed Model School's Pay Policy and the Unattached Teachers' Pay Policy for 2015/16.

The Department for Education issued the Schools' Teachers' Pay and Conditions Document to local authorities on an annual basis.

It placed a statutory duty on organisations employing teachers to have a pay policy in place by 1st September each year setting out the basis on which the employer would determine teachers' pay, the date by which it would determine the teachers' annual pay review and establishing procedures for addressing teachers' grievances in relation to their pay.

From this, the Council prepared Model Pay Policies:-

- for teachers in schools, which it recommended School Governing Bodies to adopt; and
- for unattached teachers who were employed by the Council but who did not work in a school location.

The Model Policies, which were revised annually, had been subject to consultation with all appropriate trades unions in Sandwell, through the Joint Union Panel.

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The September 2015 pay award had been agreed nationally and the recommendation for Sandwell, in keeping with regional comparators for all teachers, was as a 1% increase applied to all pay ranges in the national pay framework, including allowances, with two exceptions:-

- (a) a 2% increase to the maximum of the main pay range and
- (b) no increase to the maxima of the 8 Head teacher pay group ranges.

The Pay Policy reflected these new ranges.

An equality impact assessment was not required for this proposal.

The Cabinet Member for Children's Services recommended the proposal for approval.

Resolved:-

- (1) that the September 2015 Pay Award for School Teachers' be agreed as follows and applied to local authority community schools:-
 - a 1% uplift to all pay ranges in the national pay framework, including allowances with two exceptions:-
 - (a) a 2% increase to the maximum of the main pay range; and
 - (b) no increase to the maxima of the eight Head teacher pay group ranges;
- (2) that the Unattached Teachers' Pay Policy 2015/16, now submitted, be approved and implemented with immediate effect;
- (3) that the Model Schools' Pay Policy 2015/16, now submitted, be approved and recommended to the Governing Bodies of Schools in Sandwell for adoption and implementation with immediate effect;

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- (4) that, subject to resolution (2) and (3) above, the Council and the Governing Bodies of Schools be recommended to backdate any pay policy from 1st September 2015.

169/15

Contract for the Provision of a Workforce Training and Development Support and Governance Support Service for Sandwell Schools (Key Decision Ref. No. CS056)

The Cabinet Member for Children's Services sought approval to carry out a procurement exercise to contract a suitable supplier to secure the Workforce Training and Development Support and Governance Support service for Sandwell schools, for a period of two years with the option to extend the contract for a further year.

The Workforce Training and Development Support and Governance Support service aimed to:-

- (i) ensure that all maintained schools met their statutory obligations in relation to governance;
- (ii) work with schools to maintain governing body vacancies below 10%, across all council maintained schools; provide ongoing support and training for governors of council maintained schools and quality assurance of Governor appointments in line with Department for Education and Council guidelines;
- (iii) deliver 100% completion of quality assurance for Newly Qualified Teachers including quality assurance of Newly Qualified Teachers work;
- (iv) address how governing bodies were constituted;
- (v) highlight how governors worked together to drive and monitor school improvement.

The budget for the service in 2016/2017 was £155,000 and £150,000 for 2017/18. The total cost of the contract was £305,000 for two years with an option to extend for a further year at an indicative figure of up to £150,000.

An equality impact assessment was not required for this proposal.

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

Resolved:-

- (1) that, following the completion of a compliant procurement process, the Interim Director - Education award a contract for the provision of a Workforce Training and Development Support and Governance Support service for Sandwell schools for a period of two years, to commence on 1st April 2016 with the option to extend for up to a further one year, for a total sum not exceeding £455,000;
- (2) that subject to resolution (1) above, in the event that the cost does exceed £455,000, the Interim Director – Education, in consultation with the Cabinet Member for Children's Services, be authorised to consider and determine the sums to be incurred and whether the contract should proceed;
- (3) that, following the appropriate procurement processes, the Director - Governance agree and enter into a contract and any other ancillary documentation for the provision of a Workforce Training and Development Support and Governance Support service for a period of two years, with the option to extend for up to a further one year, on terms to be agreed by the Interim Director - Education.

170/15

The Provision of 7 Primary Mental Health Workers as Part of the Early Help Offer (Key Decision Ref. No. CS054)

The Cabinet Member for Children's Services sought approval to proposals to develop additional capacity within Sandwell primary schools to provide support, guidance and intervention around emotional wellbeing within the early help system.

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This capacity would be created by the commissioning of a single service provider to employ seven Primary Mental Health Worker posts. Six would be located within the integrated teams based on the Early Help Community Operating Groups. One would focus on Child Sexual Exploitation/vulnerable children and would be located within the Multi-Agency Safeguarding Hub.

It was proposed to carry out a procurement exercise and enter into a contract with a provider instead of directly commissioning health service providers as Primary Mental Health Workers were traditionally employed by National Health Service bodies with employment terms and governance arrangements that the Council would be unable to fulfil.

The seven Primary Mental Health Workers would be a core component of the redesigned Emotional Wellbeing and Mental Health service model, moving from universal services to integrated targeted and specialist support for children and young people in Sandwell. The redesign of the Emotional Wellbeing and Mental Health model was being jointly led by the Council and the Sandwell and West Birmingham Clinical Commissioning Group.

An equality impact assessment was not required for this proposal.

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

Following a question from the Chair of the Children and Education Scrutiny Board, the Cabinet Member felt that recruiting Mental Health nurses would not be problematic and that they would be qualified as a nurse specialising in mental health.

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Resolved:-

- (1) that the Director of Children's Services undertake a procurement process to commission a single service provider to employ seven Primary Mental Health Workers to provide support, guidance and intervention around emotional wellbeing within the Early Help Offer for children and young people and parent/carers in Sandwell for a period of two years, at a total sum not exceeding £700,000;
- (2) that, subject to resolution (1) above, in the event that the cost does exceed £700,000, the Director of Children's Services, in consultation with the Cabinet Member for Children's Services, be authorised to consider and determine the sums to be incurred and whether the contract should proceed;
- (3) that, following the appropriate procurement processes, the Director - Governance be authorised to agree and enter into Service Contracts for the provision of seven Primary Mental Health Workers as part of Early Help Offer for a period of two years, with the option to extend for one year dependant on the Children's Services Budget, on terms to be agreed by the Director of Children's Services.

171/15

Winter Service Plan 2015 (Key Decision Ref. No. HE031)

The Cabinet Member for Highways and Environment sought approval for the Council's Winter Service Plan 2015-16.

The Council had a statutory duty to ensure, so far as reasonably practicable, that safe passage along a highway was not endangered by snow or ice.

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The Council treated approximately 48% of the total carriageway and the key service standard was to complete precautionary treatment of Priority 1 and 2 roads within 4 hours from decision to treat at typical spread rates.

Resources and practicability meant that only pavements defined Prestige Areas, being major shopping streets in town and district centres, were prioritised for treatment. No other pavements received planned treatment.

Sandwell was among 78 highway authorities which had taken part in the 2014 National Highways and Transport Public Satisfaction Survey. Ranked against other councils, the survey had revealed that the public was satisfied with both the way the Council undertook and kept residents informed about Sandwell's winter service. Sandwell was subsequently rated as excellent.

Changes in the Winter Plan included minor changes to treatment routes necessitated by bus route alterations together with minor updates including service response standards and salt stock resilience.

The Winter Service was funded from the Highways Maintenance target revenue budget at a cost of £571,000.

An equality impact assessment was not required for this proposal.

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

Following a question from the Chair of the Housing Scrutiny Board, the Cabinet Member for Highways and Environment reported that the Council would utilise social media and the Council's website to update residents on which roads were being gritted during inclement weather.

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In these times of austerity, the Council did not consider it was value for money to produce leaflets as the information would be available online and regularly updated.

The Leader of the Council reported that Sandwell was the third best local authority in the country to keep residents well informed during inclement weather and aimed to keep Sandwell moving and avoid unnecessarily closing schools due to bad weather.

Resolved that the Council's Winter Service Plan 2015-16 be approved.

Business Items

172/15

Suitability of Parks in Sandwell to Host Events

The Cabinet Member for Highways and Environment sought approval to the proposed changes in classifying the suitability of Sandwell parks to hold public events, including firework displays, to assist decision making on the suitability to host events.

On considering the suitability for each park, a safety plan had been undertaken considering both internal and external factors to the park and useable space to host an event. A site survey was undertaken of all parks and green spaces that would be in a position to host an event.

Having undertaken the review, it was now proposed that:-

- Brunswick Park, Wednesbury be classified as a small local events venue and therefore not able to sustain an event attracting the level of visitors as attended the bonfire in 2014;
- Jubilee Park, Tipton become the venue for the third bonfire in Sandwell for 2015 and that officers monitor the event at Jubilee Park and report back on their findings;

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

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

- due to the cost implications for securing the bonfire, bonfires were now built on the day of the display;
- on this occasion, two fireworks displays were being held on 5th November and one would be held on the following day;
- the fireworks displays were free in Sandwell;
- the playing fields in Hydes Road, Wednesbury were not deemed a suitable venue for holding the fireworks display due to the damage caused to the ground. The football pitches on the site could therefore be out of use for a number of months.

Resolved:-

- (1) that Brunswick Park, Wednesbury be classified a small local events venue;
- (2) Jubilee Park, Tipton become the venue for the third bonfire in Sandwell for 2015 and that the Director – Neighbourhoods monitor the event at Jubilee Park and report back on the findings;
- (3) Bonfire and Firework displays in 2015 be hosted as follows with free admission to each event:-
 - Dartmouth Park, West Bromwich and Victoria Park, Smethwick to be held on Thursday 5th November 2015;
 - Jubilee Park, Tipton, to be held on Friday 6th November 2015.

173/15

Proposed Consultation on a Local Strategy for Flood Risk Management in the Black Country

The Cabinet Member for Highways and Environment sought approval to carry out consultation on a Local Strategy for Flood Risk Management in the Black Country.

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The Flood and Water Management Act 2010 placed a duty on the Council, as the Lead Local Flood Authority, to develop, maintain, apply and monitor the implementation of a Local Flood Risk Management Strategy. The Act also placed a duty on the Council to consult both the public and other risk management authorities about its local flood risk management strategy.

On 10th September 2014, Cabinet approved proposals of the Association of Black Country Authorities in relation to joint working arrangements between Dudley, Walsall, and Sandwell Metropolitan Borough Council's and Wolverhampton City Council, in respect of flood risk management functions (see Minute No. 40/14). Under these joint working arrangements, a Local Strategy for Flood Risk Management in the Black Country had been prepared for public consultation.

The proposed strategy explained the local flood risk, clarified who was responsible for managing risk and set out an action plan for how the Lead Local Flood Authority would manage flood risk associated with surface water, groundwater and ordinary water courses.

Following the consultation exercise, a report would be submitted to Cabinet on the outcome.

An equality impact assessment was not required for this proposal.

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

Resolved:-

- (1) that the Local Strategy for Flood Risk Management in the Black Country be approved as the basis for consultation with the public, other flood risk management authorities and others with an interest;

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- (2) that, in connection with resolution (1) above, a further report be submitted to the Cabinet on any unresolved objections received during the consultation period and to seek approval to the Local Strategy for Flood Risk Management in the Black Country.

174/15

Consultation on the Draft Hot Food Takeaway Supplementary Planning Document 2015

The Cabinet Member for Regeneration and Economic Investment sought approval to carry out public consultation with statutory consultees and key stakeholders on the revised Hot Food Takeaway Supplementary Planning Document, for a six week period, commencing 2nd November 2015.

The main changes to the document were:-

- altering the percentage of A5 uses (the sale of hot food for consumption off the premises) permitted within a retail centre;
- providing an up to date Joint Strategic Needs Assessment for Sandwell;
- updating the document in line with the most up to date local and national policy;
- reviewed and altered wording where necessary.

The Council was committed to improving the Borough's health and well-being and would continue to work on reducing the trends towards increasing levels of obesity and poor diet by ensuring that the Hot Food Takeaway Supplementary Planning Document continued to provide:-

- the appropriate number/proportion of Hot Food Takeaway establishments in the Strategic Centre, Town Centres, District Centres, and Local Centres;
- the appropriate level of clustering of Hot Food Takeaways in centres;
- an exclusion zone for new permissions near to secondary schools and higher education establishments;

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- measures to protect the amenity of surrounding residential occupiers;
- local environmental issues;
- disposal of waste products and litter.

An equality impact assessment was not required for this proposal.

The Cabinet Member for Regeneration and Economic Investment recommended the proposals for approval.

Resolved:-

- (1) that public consultation be carried out on the revised Hot Food Takeaway Supplementary Planning Document, for a six week period, commencing 2nd November 2015;
- (2) that a further report be submitted to Cabinet on any unresolved objections arising from the consultation referred to in resolution (1) above and to seek approval to the Hot Food Takeaway Supplementary Planning Document.

175/15

Action Taken on a Matter of Urgency – Final Accommodation Costs for Metro Court

The Deputy Leader and Cabinet Member for Finance and Resources presented details of an urgent action taken by the Director – Public Health in order to make payment to NHS Property Services for the undisputed costs associated with the occupation of Metro Court, West Bromwich.

In accordance with the Health and Social Care Act 2012, on 1st April 2013, the Council acquired new statutory responsibilities to carry out public health functions which included the service contracts for drug and alcohol services that were accommodated in Metro Court, West Bromwich. The Council inherited the associated cost for the premises but identified that the services should be re-located to Council-owned premises to secure higher quality accommodation and greater value for money.

[ILO: UNCLASSIFIED]

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Since the services vacated Metro Court in June 2014, the Council had been working to finalise the costs. However, as NHS Property Services were unable to provide detailed breakdowns to enable verification, no payments were made.

Following the provision of detailed information, the Council was unable to dispute the outstanding amount.

The Director – Public Health, in consultation with the Cabinet Member for Finance and Resources, was subsequently authorised to make payment to NHS Property Services for the undisputed costs in the sum of £523,386.34 associated with the occupation of Metro Court, West Bromwich from 1st July 2013 to 30th June 2014. The sum took account of estimated legal costs, reducing the risk of further litigation, further interest and legal costs. However, there remained a disputed amount for which the Council continued to pursue further information.

The Cabinet Member for Finance and Resources also requested the Council's Audit Service to undertake an investigation into the process and authorisations in connection with the occupation of Metro Court and associated costs and report back to the Cabinet Member and Section 151 Officer with any findings.

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 avoid any further litigation, interest and legal costs to the Council.

176/15

Decisions Taken by the Cabinet Member for Highways and Environment

The decisions taken by the Cabinet Member for Highways and Environment on 27th August and 24th September, 2015 were received.

No questions were asked of the Cabinet Member.

[ILO: UNCLASSIFIED]

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177/15 Decisions of the Black Country Executive Joint Committee held on 5th August and 16th September 2015

The notes of the meeting of the Black Country Joint Executive Committee held on 5th August and 16th September, 2015 were received.

No questions were asked of the Leader.

178/15 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 Items

179/15 Re-Commissioning a Local Healthwatch Service in Sandwell (Key Decision Ref. No. ASCH005)

The Cabinet Member for Adult Social Care and Health sought approval for the award of the contract for the provision of a Local Healthwatch service in Sandwell to the current provider Healthwatch Sandwell based on its track record and unique capacity to deliver this statutory function in an undeveloped market.

Local Healthwatch aimed to act as the consumer voice for health and social care which would benefit patients, users of services, carers and the public by helping to get the best out of services, improving outcomes, and helping services to be more responsive to what people wanted and needed.

An exemption to the Council's Procurement and Contract Procedure Rules was required to enable the Director - Adult Social Care to award the contract without undertaking a further competitive tendering process.

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The proposed value of the new contract was £175,000 per annum or £525,000 over the proposed full three year term, taking into account the option to extend into the third year.

The service was currently funded from the Department of Health's Local Reform and Community Voice Grant allocation.

The current contract with Healthwatch Sandwell would expire on 31st March 2016 and it was proposed that the new contract was for an initial term of one year commencing 1st April 2016, with the option to extend for up to a further two years in one-year increments.

As part of the proposals, a lease would be entered into with Healthwatch Sandwell for three offices it occupied in Walker Grange, Tipton.

Resolved:-

- (1) that the Director – Adult Social Care award the contract for the provision of a Local Healthwatch service for the borough to Healthwatch Sandwell, in the sum of £175,000 per annum, for a period of one year commencing on 1st April 2016, with options to extend for a further two years, in annual increments,;
- (2) that, subject to resolution (1) above, in the event that the cost does exceed £525,000 over the three year period, the Director – Adult Social Care, in consultation with the Cabinet Member for Adult Social Care and Health, consider and determine the sums to be incurred and whether the contract should proceed;
- (3) that, subject to resolution (1) above, the Director - Governance enter into a lease for office accommodation at Walker Grange, Tipton with Healthwatch Sandwell on terms to be agreed by the Director - Regeneration and Economy;

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- (4) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in resolution (1) and (3) above to proceed.

180/15

Procurement of Legal Services – EM LawShare Consortium (Key Decision Ref. No. L011)

The Leader of the Council sought approval for the Director – Governance to enter into a framework agreement and any other necessary documents to secure the provision of Legal Services from the EM LawShare Consortium.

The Director – Governance considered EM LawShare Consortium to be the best financial option as it provided discounted rates, had no subscription fees and provided good expertise in the industry.

The resulting partnership would enable the Council to continue its use of in house Legal Services to enable continued reduction in legal expenditure. The Consortium provided an avenue of multiple providers of legal services to join together to enable the Council to have more flexibility with legal services such as enabling fresh ideas and high professionalism.

The Leader of the Council recommended the proposals for approval.

Resolved:-

- (1) that the Director – Governance award the Framework Agreement for the provision of external legal services from the EM LawShare Consortium until 31st March 2018;

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- (2) that, in connection with resolution (1) above, the Director - Governance enter into an appropriate Framework Agreement for the provision of external legal services from EM LawShare Consortium.

(Meeting ended at 3.55 pm)

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