

The Cabinet

9th December, 2015 at 3.00 pm
at the Sandwell Council House, Oldbury

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

Apologies: Councillors Crompton and Y Davies;
Councillor Underhill.

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

200/15 **Declaration of Interest**

In relation to Minute No. 208/15 below (School Funding Formula and De-delegated Budget Proposals 2016-17), Councillors L Horton and P Hughes advised that they were both members of the Board of the Sandwell Leisure Trust.

201/15 **Minutes**

Resolved that the minutes of the meeting held on 25th November, 2015 be confirmed as a correct record.

Strategic Items

202/15 **Council Tax Base 2016/2017 (Key Decision Ref. No. FR019)**

The Deputy Leader and Cabinet Member for Finance and Resources presented the proposed Council Tax Base 2016/2017.

The tax base was calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.

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The regulations set out the methodology to be used by authorities when calculating their tax base for Council Tax purposes. It also dictated that the tax base should be set between 1st December and 31st January prior to the financial year to which it referred.

The Council Tax Base represented the amount that could be raised by the Council for every £1 of Council Tax that it levied in the Borough.

The actual levels of Council Tax for 2016/2017 would be dependent upon final decisions yet to be taken on both the Council's budgets and those of the precepting bodies, together with consideration of any surplus or deficit on the Collection Fund.

An equality impact assessment was not required for this proposal.

The Deputy Leader and Cabinet Member for Finance and Resources recommended that based on currently known data, the Council Tax Base 2016/2017, as now proposed, be recommended to the Council.

<p>Resolved to recommend that the Council Tax Base for 2016/2017 be set at 69,913.98.</p>
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203/15

Local Council Tax Reduction Scheme 2016/2017 **(Key Decision Ref. No. FR020)**

The Deputy Leader and Cabinet Member for Finance and Resources presented Sandwell's Local Council Tax Reduction Scheme for 2016/2017.

On 13th January 2015, the Council approved a revised Local Council Tax Reduction Scheme for 2015/2016. This had removed the residency requirement included in Sandwell's 2014/2015 scheme and took into account feedback received from a consultation exercise (see Minute No. 12/15).

Following a further four week consultation with stakeholders, it was now proposed that the Council approve the 15/16 scheme by no later than 31st January.

An equality impact assessment was not required for this proposal.

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In response to a number of questions from the Chair of the Housing Scrutiny Board, the Deputy Leader and Cabinet Member for Finance and Resources reported that:-

- the continued year-on-year budget reductions faced by the Council could result in very little or no revenue support grant being available to the Council by 2019/20;
- those areas with a high number of pensioners would particularly be affected; as the 'local' scheme only applies to working age claimants.
- although the increase in working age caseload was very positive, it was not possible to identify the numbers of people who had moved into employment.

The Deputy Leader and Cabinet Member for Finance and Resources recommended that the scheme, as now proposed, be recommended to the Council.

<p>Resolved to recommend that the Local Council Tax Reduction Scheme for 2016/2017 be approved.</p>
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204/15

Business Rate Retention Estimate 2016/2017 **(Key Decision Ref. No. FR029)**

The Deputy Leader and Cabinet Member for Finance and Resources sought approval to the business rates forecast for 2016/2017.

The Non-Domestic Rating (Rates Retention) Regulations 2013, brought about major changes to the funding of local government which included the retention by councils of 50% of locally collected business rates. There was a statutory requirement placed on all collection authorities to calculate how much income each authority was likely to receive for the coming financial year.

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The National Non Domestic Rate 2016/2017 form, which represented the estimated business rates expected to be collected by the Council next year, was yet to be received from the Department for Communities and Local Government. Assumptions had therefore been made with regard to the final estimate.

An equality impact assessment was not required for this proposal.

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

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

- the estimates for the business rate retention over the last five years had been very accurate. The Cabinet Member shared concerns that the delay in the re-valuation of the business rates system by Government nationally would impose significant costs on the public purse;
- in relation to the anticipated increase in business rate income in 2016/17 and how this would be reflected in terms of the number of businesses Sandwell had increased from 10,745 business properties as at 30th September 2014 to 10,842 as at 30th September 2015. If the Government removed business rate reduction schemes as it had indicated, this would reduce demand in already struggling areas. In Sandwell, business rents and rates were under constant review due to the need to stimulate the economies of the Borough's local town centres.

Resolved:-

- (1) that, subject to any changes arising from the issue of the National Non Domestic Rate form by the Department for Communities and Local Government and the Autumn Budget Statement announcements, the business rate retention forecast for 2016/2017, be set at £51.7m;

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- (2) that, in consultation with the Deputy Leader and Cabinet Member for Finance and Resources, the Assistant Chief Executive adjust the estimate to meet required changes arising from the issue of the National Non Domestic Rate form, the joint Spending Review and the Autumn Budget Statement announcements.

205/15

Review of Off-Street Car Parking Charges in Sandwell **(Key Decision Ref. No. HE037)**

On behalf of the Cabinet Member for Highways and Environment the Leader of the Council sought approval to reduce off-street car parking charges for short stay parking (up to four hours) in West Bromwich town centre. This would put it at the same level as other off-street car parks in the Borough and help to encourage retail shopping and boost the local economy.

It was also proposed to introduce car parking charges at the public car park at West Bromwich Street, Oldbury which was currently free. The car park was primarily used by Council employees and visitors to the Council House, Oldbury. However, it incurred substantial maintenance and other costs.

Monthly and annual season ticket charges would be introduced for all pay to park car parks at a rate of £240 per year and £24.00 per month.

For a person using long stay off-street car parking, five days per week for 45 weeks per year, the proposed charge for an annual season ticket would represent a saving of £660 over the £4.00 cost of the daily long stay parking charge in West Bromwich town centre.

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The Leader of the Council reported that he had received representations from Unison against the proposal to introduce charges for the West Bromwich Street Car Park at Oldbury. In addition, a petition was presented to the Leader at the meeting by representatives of Unison objecting to the proposed charges in Oldbury. The petition would be considered as part of the consultation process.

In recommending the proposals for approval, the Leader stated that the proposed approach was designed to provide equality in parking charges across the Borough to make car parks as self-financing as possible to reduce the need for council tax to subsidise parking.

Resolved:-

- (1) that short stay off-street car parking charges in West Bromwich town centre be reduced to the following levels:-

Between the hours of 8.00am to 6.00pm:
Up to 1 hour 40p;
Up to 2 hours 80p;
Up to 3 hours £1.20;
Up to 4 hours £1.60;
- (2) that wherever charges are levied by the Council, the long stay car parking charge for parking over 4 hours, be set at £4.00 between the hours of 8.00am to 6.00pm, in line with the level currently levied in West Bromwich town centre;
- (3) that the introduction of short and long stay car parking charges at the car park at West Bromwich Street, Oldbury, be approved, at the rates set out resolution (1) and (2) above;
- (4) that the monthly and annual season ticket charges for West Bromwich town centre and the new season ticket charges for elsewhere in the Borough be set at £240 per year and £24.00 per month;
- (5) that once introduced, the new parking charges set out in resolutions (1), (2), (3) and (4) above be frozen at those

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levels and not subject to further review or increase for two years;

- (6) that, the Director - Street Scene undertake the necessary public and statutory consultation required to introduce the revised car parking charges;
- (7) that subject to there being no material changes required to the proposals arising from the statutory consultation process in resolution (6) above, the revised charges be implemented with effect from a date to be agreed by the Chief Executive;
- (8) that the Director - Governance undertake the necessary statutory procedures to bring resolution (1), (2), (3) and (4) into effect above.

206/15

Arrangements under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (Key Decision Ref. No. TNS033)

The Cabinet Member for Regeneration and Economic Investment reported that the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 now required all landlords with premises occupied under a tenancy during any period beginning on or after 1st October 2015 to:-

- (i) install a smoke alarm on each storey of the premises on which there was a room used wholly or partly as living accommodation;
- (ii) install a carbon monoxide alarm in any room of the premises which was used wholly or partly as living accommodation and contained a solid fuel burning combustion appliance; and
- (iii) ensure that each prescribed alarm is in proper working order on the day a new tenancy begins.

Where the Local Housing Authority had reasonable grounds to believe that there were no or insufficient number of smoke alarms or carbon monoxide detectors in the property as required by the regulations or the smoke alarms or carbon monoxide detectors were not working at the start of a tenancy or licence, the Authority would serve a remedial notice on the landlord detailing the actions the landlord must take to comply with the Regulations.

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If after 28 days the landlord had not complied with the remedial notice, a penalty charge would be levied through a penalty charge notice. A fine of up to £5,000 could be imposed where the authority was satisfied that the issued remedial notice had not been complied with. The cost of installing the prescribed alarms was small compared to the potential fine. The income generated was therefore likely to be small.

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

An equality impact assessment was not required for this proposal.

Resolved:-

- (1) that the Scheme of Delegations to Officers, as set out in Part 3 (Responsibility of Functions) of the Council's Constitution, be amended to include the following delegation to the Director – Adult Social Care, Health and Wellbeing:-

“The Smoke and Carbon Monoxide (England) Regulations 2015

To take action under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to exercise the powers conferred by section 150(1) to (6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004 and to authorise others to act on his/her behalf under the provisions of the above regulations in connection with taking action against landlords in breach of their duties under the regulations”;

- (2) that, subject to resolution (1) above, the Director - Governance be authorised to amend the Scheme of Delegations to Officers in accordance with article 7.06 of the Council's Constitution;

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- (3) that, subject to resolution (1) above, the monetary penalty for non-compliance with the Smoke and Carbon Monoxide (England) Regulations 2015 be set in accordance with the following table except when an authorised officer under resolution (1) above is satisfied that there are extenuating circumstances:-

Offence	Fine
First	£1000
Second	£2500
Third or more	£5000

207/15

Social Care Charging within Extra Care Housing **(Key Decision Ref. No. ASCH017)**

The Deputy Leader of the Council and the Cabinet Member for Finance and Resources reported that the Care Act 2014 had revised the legal framework for charging for care and support services. The overarching principles within the regulations were that where a local authority had decided to charge, people should only be required to pay what they could afford. The charge must not be greater than the costs incurred in meeting assessed needs.

Most non-residential charges were already based upon the cost of providing the support and the client's ability to pay, established through a financial assessment. An exception to this approach was care and support to people living in an extra care housing scheme who were charged a flat rate of 80% of their Attendance Allowance.

It was now proposed that the flat rate charges for extra care housing were replaced with the approach used for other non-residential charges and the individual's charge was based upon the cost of provision and their ability to pay.

It was envisaged that the change to the charging policy would affect approximately 252 people within extra care housing services.

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Whilst the impact of the change would be dependent upon the outcome from an individualised financial assessment, the findings of a desktop review using historic financial information for a sample of the existing clients had indicated that the average weekly charge would reduce by £25.

Based upon the results from the sample review, the proposed change was projected to reduce non-residential income within Adult Social Care by approximately £300,000 per annum.

In response to a question from the Chair of the Budget and Corporate Scrutiny Board, the Deputy Leader and Cabinet Member for Finance and Resources stated that the budget pressure that would arise from the proposal would be incorporated into the refresh of the Adult Social Care medium term financial strategy.

An equality impact assessment was not required for this proposal.

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

Resolved:-

- (1) that the Council's approach to charging for care and support within extra care housing services be revised with immediate effect so that charges are based upon the outcome from a non-residential financial assessment which reflects the costs of the provision and an individual's ability to pay;
- (2) that subject to resolution (1) above, the Director -Adult Social Care, Health and Wellbeing initiate the required programme of financial assessments to recalculate and implement the charges for individuals within extra care housing services.

Business Matters

208/15

School Funding Formula and De-delegated Budget Proposals 2016/17

The Cabinet Member for Children's Services presented a report on the outcome of Sandwell's consultation with schools and other stakeholders on proposed changes to the school funding formula and de-delegated budget proposals for 2016/17, as required by the Department for Education.

As a result of the comments received, it was now proposed to implement the following proposals with effect from 1st April 2016:-

- top-slicing the Dedicated School Grant, the start up costs for the Q3 Academy Langley and the estimated costs for authority-led expansions of schools to cater for the increase in birth rates. This would create a Pupil Number Growth Fund of £1,950m for 2016/17. The protected fund would be used to support growth in pre-16 pupil numbers to meet basic need and to support additional classes to meet infant class size legislation;
- the level and extent of the Exceptional Premises Factor for specific improvements to schools;
- the continuation of the Minimum Funding Guarantee for 2016/17 to ensure that no school lost more than 1.5% per pupil and the continuation of the cap on the potential gains that could be made by schools to ensure that the Minimum School Funding Guarantee would be cost neutral;
- the primary to secondary ratio, which showed the relative differences in per pupil funding allocated to schools, would remain unchanged at 1:1.23, as agreed by the Schools Forum.

De-delegated budgets provided for centrally retained services to maintained mainstream primary and secondary schools with Schools Forum approval. Any decisions made to de-delegate would relate to that year only. Whilst de-delegation was not an option for academies, special schools, nurseries or pupil referral units, they would have the opportunity to buy back these services from the Council.

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There were seven de-delegated budget proposals that were consulted upon. Consideration was given to a summary of the responses now received.

On 12th October 2015, the Schools Forum had considered and agreed all proposals in relation to the de-delegated schools budget in line with the responses received by both primary and secondary school blocks.

The Basic Entitlement and the Minimum Funding Guarantee Ceiling were provisional figures at this stage and were subject to change following ongoing discussions with the Department for Education.

An equality impact assessment was not required for this proposal.

With regard to the detail of the proposals, the Chair of the Housing Scrutiny Board asked why Holly Lodge 11-19 Science College and The Phoenix Collegiate did not meet the criteria to be considered for an exceptional premises factor and how Shireland Collegiate Academy would access sports facilities if its application to be considered for an exceptional premises factor had not been approved. In response, the Cabinet Member for Children's Services replied that Holly Lodge and The Phoenix had not provided enough evidence to support their applications and that Shireland would still be able to use nearby Sandwell Leisure Trust facilities.

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

Resolved:-

- (1) that in respect of the 2016-2017 Schools Funding Formula for Sandwell schools the following outcomes of the consultation proposals, as agreed by the Schools Forum, be received:-
 - (a) that the Pupil Number Growth Fund be set at £1.950m;
 - (b) that the Exceptional Premises Factor for Shireland Collegiate is not approved;
 - (c) that the continuation of a cap being set on the amount schools could gain in order to ensure that the Minimum Funding Guarantee is cost neutral be approved;

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- (d) that the primary: secondary ratio remain unchanged at 1:1.23;
- (2) that, in respect of the de-delegated budgets for Sandwell schools, the outcome of the consultation proposals as agreed by the Schools Forum for 2016/17, be received;
- (3) that the provisional 2016-2017 Schools Funding Formula, as outlined below, be approved:-

Item	Primary	Secondary
Primary : Secondary Ratio	1:	1.23
Basic Entitlement	TBD	TBD
Income Deprivation Affecting Children Index 0.3 – 0.4	£460	£667
Income Deprivation Affecting Children Index 0.4 – 0.5	£506	£734
Income Deprivation Affecting Children Index 0.5 – 0.6	£557	£807
Income Deprivation Affecting Children Index 0.6 – 1.0	£612	£888
Looked After Children	£849	£849
Low Cost, high incidence Special Educational Needs (Prior Attainment)	£1,225	£1,776
English as an Additional Language (2 years)	£846	£1,227
Lump Sum	£129,057	£129,057
Split Site	£129,057	£129,057
Rates	Actual	Actual
Private Finance Initiative	Actual	Actual
Minimum Funding Guarantee	-1.5%	-1.5%
Minimum Funding Guarantee Ceiling	TBD	TBD

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- (4) that the Director of Children's Services, in consultation with the Section 151 Officer, finalise the 2016-2017 Schools Funding Formula relating to Basic Entitlement and Minimum Funding Guarantee Ceiling, following confirmation of funding from the Department for Education in December 2015.

209/15

St Michael's CE High School – Change of Status from Voluntary Controlled to Voluntary Aided

The Cabinet Member for Children's Services reported that in June 2015 the Governing Body of St Michael's CE High School had consulted with a range of stakeholders on a proposal to change its status from a voluntary controlled school to a voluntary aided School.

The proposals would provide an opportunity for the Governing Body to:-

- gain greater control and flexibility over their finances;
- strengthen their ethos through enhanced control over admissions and recruitment;
- enable them to focus resources on the specific needs and aspirations of the community.

Following consultation with parents and other stakeholders, comments received indicated that the majority of parents, staff and governors supported the proposals.

Approval was now sought to the change of status. The governing bodies of the voluntary controlled school and the voluntary aided school would also be required to enter into a deed of novation to novate the Governing Body Agreement to the governing body of the voluntary aided school.

An equality impact assessment was not required for this proposal.

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Resolved:-

- (1) that having taken the results of consultation into account and notwithstanding any appeal from the local Church of England Diocese, the Roman Catholic Diocese or the School Governing Body, the change of status of St Michael's CE High School, Rowley Learning Campus, Curral Road, Rowley Regis from voluntary controlled to voluntary aided be approved, to take effect from 1st April 2016;
- (2) that, subject to resolution (1) above, the Director – Governance enter into a novation agreement and any other documentation required to facilitate the transfer of the obligations contained in the Governing Body Agreement dated 2nd September 2009 to the new governing body of the voluntary aided school.

210/15

Consultation on Draft Statement of Community Involvement 2016

The Cabinet Member for Regeneration and Economic Investment reported that the Council, as the local planning authority, was required to produce a Statement of Community Involvement setting out how the Council would involve stakeholders such as the public, developers, businesses and other agencies in the preparation of its planning policy documents and in the determination of planning applications.

Approval was now sought to undertake a six week period of consultation with stakeholders on the draft Statement of Community Involvement 2016 for a six week period. Responses received would be considered and any subsequent amendments to the document would be the subject of a further report prior to adoption of the document.

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

An equality impact assessment had been undertaken.

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In response from a question by the Chair of the Community Safety, Highways and Environment Scrutiny Board, the Cabinet Member for Regeneration and Economic Investment assured the Cabinet that there would be no anticipated additional costs arising from implementing the Draft Statement.

Resolved:-

- (1) that the Statement of Community Involvement as now submitted be approved as the basis for consultation for a six week period;
- (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 and to seek approval on the final policy.

211/15

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).

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Strategic Item

212/15

Contract for Gas Safety Inspections and Servicing of Appliances in all Council Owned Accommodation and Premises (Key Decision Ref. No. TNS031)

The Leader of the Council reported that an options appraisal had been carried out on the future provision of gas safety inspections and the servicing of appliances in all Council owned accommodation and premises.

The appraisal had identified that procurement of a new servicing contract was the best delivery option for the service, It would meet the statutory requirement to have a contract in place by 1st August 2016 and, within the current market conditions, would deliver value for money the contract would run for a period of two years from 1st August 2016 to 31st July 2018 with the option to extend for one year.

In response to a question raised by the Chair of the Budget and Corporate Scrutiny Board, the Leader of the Council provided details of the anticipated costs of the service and stated that, in the event that the costs exceeded the amounts expected, a further report would be submitted to the Cabinet for approval.

An equality impact assessment was not required for this proposal.

The Leader of the Council recommended the proposals for approval.

Resolved:-

- (1) that following the completion of a compliant procurement process, the Director – Neighbourhoods award a contract for the provision of gas safety inspection and servicing of gas appliances at all Council owned accommodation and premises for a period of two years, from 1st August 2016 to 31st July 2018, with the option to extend for one year up to 31st July 2019, for an annual sum of £1.4m;
- (2) that, subject to resolution (1) above, in the event that the cost does exceed an annual sum of £1.4m, the Director – Neighbourhoods, in consultation with the Cabinet

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Member for Towns and Neighbourhood Services,
consider and determine the sums to be incurred and
whether the contract should proceed;

- (3) that, subject to resolution (1) and (2) above, following the appropriate procurement processes, the Director - Governance agree and execute any framework and associated call off requirements, for the provision of gas safety inspection and servicing of gas appliances, for a period of two years, with the option to extend for one year, on terms to be agreed by the Director – Neighbourhoods.

(Meeting ended at 4.04 pm)

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