

**The Cabinet**

**24<sup>th</sup> February, 2016 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.
- In attendance:** Mr Eddie Clarke (Independent Chair of Sandwell  
Safeguarding Adults Board).

21/16 **Minutes**

**Resolved** that the minutes of the meeting held on 3<sup>rd</sup>  
February, 2016 be confirmed as a correct record.

**Business Item**

22/16 **Recommendations from the Budget and Corporate Scrutiny  
Board in relation to Directorate's Business Plans 2016/17 to  
2018/19 and the Council's Proposed Budget 2016/17 to 2019/20**

The Chair of the Budget and Corporate Scrutiny Board presented the findings of the Scrutiny Board in relation to each directorate's business plans for 2016/17 to 2018/19 and the Council's proposed budget for 2016/17 to 2019/20.

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On 4<sup>th</sup> February, 2016, the Scrutiny Board held a workshop to consider the proposals and following consideration of these business plans and the Council's proposed budget, the Board raised a number of issues/concerns and referred them to appropriate Cabinet Members and chief officers for a response.

At its meeting on 11<sup>th</sup> February 2016, the Board gave consideration to the responses provided, which were now considered.

The Board made a number of comments and recommendations in response to the information provided to it. The Board was satisfied that the proposed budget was robust and balanced and congratulated officers on their performance, despite the reduced resources available to the Council.

### **Resolved:-**

- (1) that the findings of the Budget and Corporate Scrutiny Board in relation to each directorate's business plan for 2016/17 to 2018/19 and the Council's budget proposals for 2016/17 to 2019/20 be received;
- (2) that in connection with resolution (1) above, training be provided to all councillors on the impact of the government's "Pay to Stay" legislation to ensure that they understand the implications and can advise constituents appropriately.

### **Strategic Items**

23/16

#### **Council Finances 2016/17 to 2019/20 (Key Decision Ref. No. FR038)**

The Deputy Leader and Cabinet Member for Finance and Resources presented details of the proposed expenditure level for 2016/17 for the Council and the proposed resultant Council Tax.

The final settlement announced by the Minister on 8<sup>th</sup> February confirmed that all authorities would receive at least the amount indicated in the 2016/17 provisional settlement.

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There would be transitional assistance to authorities with the biggest Revenue Support Grant (RSG) reductions in the first two years of the settlement totalling £150m, in order to mitigate the level of budgets reductions. However, this transitional assistance would not apply to Sandwell.

Directorate business plans for the four years 2016/17 – 2019/20 were reported to Cabinet on 3<sup>rd</sup> February 2016 (see Minute No. 11/16) and considered by the Budget and Corporate Scrutiny Board (see Minute No. 22/16 above).

As the Council was yet to receive final confirmation of the approved precept in relation to the West Midlands Fire and Rescue Authority, indicative figures based on the latest information available had been included. There was an increase of 4.70% in the Police precept which was ratified on 12<sup>th</sup> February 2016, and an anticipated increase of 1.99% in the Fire precept.

### Council Tax

The Medium Term Financial Strategy approved by Council in March 2015 contained an assumption that Council Tax would increase by 1.99% pa, subject to there being no Council Tax freeze grant available in future. Sandwell had frozen Council Tax for the last five years in return for a freeze grant provided by Central Government and would have frozen Council Tax again in 2016-17 if the central government funding was still available. However, the Government had now announced the end of freeze grant.

In recognising the pressures within the Adult Social Care sector, the Secretary of State for Communities and Local Government had made an offer to adult social care authorities to increase its relevant basic amount of council tax (precept) for the financial year beginning in 2016 by an additional 2% without holding a referendum, to assist in meeting expenditure on adult social care functions. Subject to the annual approval of the House of Commons, the Secretary of State intended to offer the option of setting this additional increase each year up to and including 2019-20. In relation to the financial year beginning in 2016, the Secretary of State had a referendum threshold of 4% (comprising 2% for expenditure on adult social care and 2% for other expenditure), for adult social care authorities. These authorities may therefore increase their relevant basic amount of council tax up to this percentage in 2016 without holding a referendum.

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It was therefore proposed to increase Council Tax by 3.99% as follows:

	%
Sandwell MBC	1.99
Adult Social Care Precept	2.00
Total	3.99

The net expenditure level showed the amount to be raised by Council Tax was £85.480m, which represented an increase of 3.99% in relation to the 2016/17 level of Council Tax which at Band D set a Council Tax of £1,222.64.

The addition of precepts from the West Midlands Fire and Rescue Authority and the West Midlands Police and Crime Commissioner would result in a Band D Council Tax of £1,390.22.

### Retained Business Rates

From April 2013, 50% of Business Rates could be retained locally (49% to the Council and 1% allocated to the Fire and Rescue Authority). In order to protect authorities who would receive less under the new system, a business rates top up was provided to authorities to bring their funding up to a baseline level. The NDR (Non Domestic Rates) Baseline was the level of business rates that the authority was assumed to be able to collect; this combined with the Business Rates Top Up represented the Baseline Need. Whilst the RSG element was fixed, the Baseline Need would fluctuate dependent upon actual business rates collected. The latest position was an estimated NDR Baseline for the Council of £51.700m, £3.600m (£51.700m - £48.100m) above the national funding assumptions.

The Autumn Statement confirmed the extension of the doubling up of small business rate relief for 12 months to April 2017. This initiative would be cost neutral to the Council as it would receive compensation via a non-ring fenced section 31 grant.

### Application for mandatory relief for NHS trusts

Sandwell had received an application for mandatory business relief from a company acting on behalf of NHS trusts together with legal opinions. The implications of this were substantial with a potential backdated claim to 2010. If the reduction was backdated to 2010 this would represent the loss of business rates to Sandwell which had been estimated at £1.7m and the annual reduction in Business Rates would be £0.392m.

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The Local Government Association had been asked to seek Leading Counsel's opinion on whether the NHS Trusts, on behalf of whom the company were making claims for rate relief under Section 43 Local Government Finance Act 1988, were charities for purposes of entitlement to the relief claimed.

### Dedicated Schools Grant

The Autumn Statement announced that the overall schools budget would stay at the same level on a per pupil basis. Sandwell's grant allocation for 2016/17 was estimated at £289.907m before academies recoupment.

### Education Services Grant (ESG)

The 2015-16 Education Services Grant was £3.944m and the indicative allocation for 2016-17 was £3.699m, a reduction of £0.245m. The Spending Review and Autumn Statement published in November 2015 announced an intention to phase out the additional funding schools received through the Education Services Grant.

The Government was intending to reduce the local authority role in running schools and remove a number of statutory duties, and would consult on policy and funding proposals in 2016. The impact of this change would need to be reflected in the Medium Term Financial Strategy once more details are announced.

### New Homes Bonus

Final 2016-17 allocations of New Homes Bonus were announced by Department for Communities and Local Government on 9<sup>th</sup> February 2016; a total of £1.461bn for English local authorities which had been funded primarily through the top slicing of overall funding totals. Sandwell would receive £6.6m in 2016-17.

### Projected Sandwell Expenditure

The preliminary budget allocations for the next four financial years included the following budget assumptions which were contained in the medium term financial strategy (MTFS) 2016-17 to 2019-20.

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	16-17 %	17-18 %	18-19 %	19-20 %
Pay Award	1.0	1.0	1.0	1.0
General Inflation	1.0	1.0	1.0	1.0
Fuel – Gas	6.0	6.0	6.0	6.0
Fuel – Electricity	7.0	7.0	7.0	7.0
Income – Fees & Charges	1.5	2.0	2.0	2.0
Income - Other	1.5	2.0	2.0	2.0

- Passenger Transport Executive (PTE) / environmental agency levies were based on up to date soundings;
- provision for the anticipated supported borrowing requirements over the 3 years and resultant revenue debt charges;
- prudent provisions for general and earmarked reserves.

### Housing Revenue Account (HRA)

The account operated fully within its own resources meeting expenditure from income obtained from tenants' rents. The 2016/17 rent income was based on decisions taken by Cabinet on 13<sup>th</sup> January 2016. The Government continued to retain some control over the maximum amount the HRA could borrow and the use of receipts derived from the sale of housing properties.

The HRA was required to maintain a 30 year business plan including provision for investment into its properties. The investment programme was reviewed annually to ensure affordability within the business plan when final decisions on rent increases were known. The programme remained affordable for 2016/17.

### Treasury Management, Minimum Revenue Provision (MRP) and Prudential Borrowing

The Council was required to approve its Treasury Management and Investment Strategies and its Minimum Revenue Provision (MRP) policy prior to the beginning of the financial year. Approval was sought to the Council's Treasury Management Strategy, MRP and prudential limits for the Council. It was felt that it would be more prudent to charge MRP on a straight line basis over a fixed number of years (still to be determined) instead of charging at a fixed percentage rate, as was currently the case.

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This change in policy would ensure that the debt was repaid within a finite period of time, and this policy would support the medium and long term financial planning process.

The prudential regime required the Council to fully evaluate the revenue implications of its capital investment programme and to include the cost of this investment in its budget strategy process. The prudential limits were consistent with the financial costs of borrowing provided for within the budgeted expenditure.

### Capital Programme

The Local Government financial settlement no longer provided for supported borrowing approvals to councils and this decision was incorporated in the table below.

The current capital programme commitments and available resources were:

Table 4: Capital Programme	2015/16 £m	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m	Total £m
Approved Commitments	108.015	125.427	67.224	84.133	55.289	440.088
Resources	108.015	125.427	67.224	84.133	55.289	440.088

### Capital Strategy

The level of resources committed by the Council for capital investment was significant. In the period 2015/16 – 2019/20, total resources including borrowing approvals, receipts from the sale of assets, government grants, lottery/European funds and private sector contributions were expected to be around £440m. The effective use of these resources was intrinsic to the fulfilment of the strategic vision of both the Council and its partners. The Council had an embedded strategic approach to ensure funds were invested in capital projects that supported the longer-term objectives of the Council and its partners and provided value for money service provision.

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The Capital Strategy was updated on an annual basis to reflect the corporate priorities reflected in the Council's scorecard as the transformational programme that had been agreed by the Council.

### Reserves

The estimated General Fund reserve balance as at 31 March 2016 was £64.3m.

After consideration of the Council's strategic risks, the forecast level of free balances at the end of 2015/16 were approximately £11.8m, representing a decrease of £0.5m from the £12.3m of free balances held at the end of 2014/15. This represented 4.7% of net operating budget and was at a level which was deemed to be adequate in the medium term.

The Council's forecast earmarked reserves at the end of 2015/16 were likely to be in the region of £34.4m (currently £35.5m). This included £15m of projected surpluses generated by services as part of the multi-year budget planning process. These funds would be invested directly in services to mitigate the impact of central government funding reductions. It also included £19.4m of one-off balances earmarked to meet potential one-off expenditure identified as part of the budget risk assessment.

Reserves had also been earmarked to fund £18m of planned capital investment.

The indicative four year funding settlement included further significant reductions in Council budgets for the remainder of the Parliament. The Council would need to consider likely future downsizing costs that may be incurred in meeting these savings over the medium term.

The movement in earmarked reserves did not impact on the level of Council Tax for 2016/17.

### Expenditure Plans and Medium Term Financial Strategy (MTFS)

The main objectives of the strategy were to set out how the Council wished to structure and manage its finances now and in the future and to ensure this approach facilitated delivery of the Council's aims and objectives.



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As part of the Council's MTFs, budget planning approach and the further development of the Facing the Future programme, the Council sought to gather residents' views on the financial challenges that it faced and identify their priorities for services that should be improved, continued as was, or reduced.

The budget consultation exercise referred to as SIMALTO method (Simultaneous Multi Attribute Level Trade Off) asked respondents to make their priorities from a choice of defined alternative levels of each service, allocating a budget of 'points' to their choices.

In summary, respondents:

- prioritised, above all else, retaining the current service level on winter gritting and maintaining education standards in primary schools across Sandwell;
- would accept a slightly reduced level of service for day services for adults with disabilities, and a reduced service for single homeless people or people who were the subject of domestic violence;
- supported increasing or introducing charges for large events (e.g. Sandwell Show), community meals, day care transport, adult social care enhanced assessment beds and pest control;
- rather than close leisure facilities, would be prepared to pay more for more modern facilities;
- would accept reducing the number of libraries in the borough by closing the least used facilities;
- ranked arts events and galleries as their lowest priority.

In order to achieve a balanced budget over the four year settlement funding period, the Facing the Future programme continued to identify transformational change projects identified to deliver the necessary savings from 2016/17 through to 2019/20 (£24.852m in total).

The finance settlement was the fourth under revised local government financing arrangements introduced under the Local Government Finance Act 2012. Local authority funding now comprised of revenue support grant and a local share of business rates, plus a top up to bring funding in line with that which an authority would have received under the previous formula funding regime.

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The forecast expenditure and funding for the four years 2016/17 to 2019/20 together with the cumulative funding shortfall to 2019/20 of £24.852m was detailed as follows:-

Table 5 - Comparison of forecast revenue expenditure compared to the forecast funding with Adult Social Care precept				
	16-17 £m	17-18 £m	18-19 £m	19-20 £m
Forecast Expenditure	249.263	248.790	258.704	264.540
Forecast Funding	249.263	243.193	241.270	239.688
Cumulative Surplus / (Shortfall)	0	(5.597)	(17.434)	(24.852)
Annual Shortfall	0	(5.597)	(11.837)	(7.418)

### Forecast Funding for Sandwell 2016/17 to 2019/20

Funding for 2017-18 to 2019-20 was announced as part of the final settlement.

Table 6 shows the current funding levels forecast for the Council over the next 4 years. These are based on the following assumptions:

- the Revenue Support Grant was based on the final settlement announced on 9<sup>th</sup> February 2016;
- Retained Business Rates are as per the 2016-17 estimates presented to Cabinet on 9<sup>th</sup> December 2015 increased by RPI thereafter;
- assumed growth in rateable value of 0.5% pa;
- Business Rates Top Up was as per the final settlement;
- Council Tax increases of 1.99% in each year plus a precept of 2% for Adult Social Care;
- Council Tax Collection Rate of 99%;
- assumed growth in Council Tax base of 1% pa.

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Table 6: Forecast of Council Funding over the next 4 years.				
	16-17 £m	17-18 £m	18-19 £m	19-20 £m
RSG (1)	67.425	53.276	43.523	33.656
Business Rates	51.669	54.250	56.211	58.243
Business Rates Top-up	45.002	45.887	47.241	48.751
Council Tax	83.836	86.359	88.958	91.636
Adult Social Care CT	1.644	3.420	5.337	7.402
Collection Fund Deficit	(0.313)	0	0	0
<b>Total</b>	<b>249.263</b>	<b>243.192</b>	<b>241.270</b>	<b>239.688</b>
(1) The 2016/17 RSG figure was based on the latest NNDR1 Return. The original estimate based on the provisional settlement was £51.700m				

The proposed budget strategy for 2016/17 to 2019/20 included a level of contingency to provide some protection to the Council's finances. Contingencies were set aside to meet any significant cost pressures that may arise during the year.

### Better Care Fund Allocation

The Better Care Fund (BCF) had been shown as specific Grant Income within individual service areas instead of showing as funding in Table 6 above.

### Local Government Superannuation Scheme

The arrangements agreed by Council in March 2014, provided for manageable increases in the Council's contributions to the Pension Fund over the next two years but were less than the default deficit payments outlined by the Fund's actuary and therefore had an impact on the deficit payment projections in the years 2017/18 to 2019/20, subject to the outcome of the 2016 triennial valuation.

Throughout the development of the Directorate business plans and savings proposals, an assessment had been undertaken of the equalities impact of each of the budgetary proposals and whether one particular group was disadvantaged as a result of the proposals. The emphasis had been to highlight the impact of all the proposals to ensure a full understanding was achieved by both officers and elected members.

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In recommending the proposals for approval by Council, the Deputy Leader and Cabinet Member for Finance and Resources thanked the Budget and Corporate Scrutiny Board for their findings on the proposals and requested Directors to incorporate the recommendations in how they delivered the business of the Council. In relation to the recommendation to write to local residents in their first language where there were known language barriers, the Cabinet Member reported that it was not always possible to know what the first language was. The current use of pictograms was felt to be an effective communication method for all communities.

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

- whilst there continued to be limited resources available for capital investment, the Council had a good history in delivering capital schemes and would continue to invest in the capital infrastructure so as to deliver new projects in the future;
- despite Government cuts, the Council's customer satisfaction levels had risen 14% in the last six years. This was attributed to the Council protecting frontline services to ensure members of the public received a good quality service;
- whilst the responses received to the SIMALTO consultation had given some services a lower relative priority, including homeless and disabilities, customers had given a high priority to elderly vulnerable people. The Council would continue to improve services for vulnerable residents.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, and Standing Order 12, the decision relating to Council Finances 2016/17 to 2018/19 was put to a named vote and it was unanimously:-

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### **Resolved to recommend:-**

- (1) that the revised financial position for 2015/2016 be received;
- (2) that the Council's General Fund budget for 2016/2017 as detailed in Appendix A to the report now submitted, be approved;
- (3) that the provisional budgets for 2017/18, 2018/19 and 2019/20 as outlined in Appendix A3 to the report now submitted, be approved;
- (4) that the 2016/2017 Housing Revenue Account as detailed in Appendix C to the report now submitted, be approved;
- (5) that the Treasury Management and Investment Strategy together with prudential indicators outlined in Appendix D be approved;
- (6) that the Capital Programme 2015/16 to 2019/20 as set out in Appendix E and the Capital Strategy as set out in Appendix F to the report now submitted, be approved;
- (7) that the supporting information on the robustness of the budget process and adequacy of the Council's reserves as detailed in Appendix G to the report now submitted, be approved;
- (8) that the Medium Term Financial Strategy as set out in Appendix H to the report now submitted, be approved;
- (9) that the extension of the Facing the Future Programme to deliver the required savings in 2017/18 be approved;
- (10) that the existing Financial Regulations and Contract Procedure Rules are carried forward into 2016/17 subject to a full review and rewriting being completed in 2016, be approved;

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- (11) that it be noted that the Cabinet on 9<sup>th</sup> December 2015 approved the amount of 69,913.98 as its Council Tax base for the year 2016/2017 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33 (5) of the Local Government Finance Act 1992;
- (12) that the following amounts be calculated by the Council for the year 2016/2017 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992: -
- (a) Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) (a) to (f) of the Act; £988,023,024
  - (b) Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) (a) to (d) of the Act; £902,543,266
  - (c) Being the amount by which the aggregate at 12(a) above exceeds the aggregate at 12(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year; £85,479,758
  - (d) Being the amount at 12(c) above, all divided by the amount at 11 above, calculated by the Council in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year; £1,222.64

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### (e) Valuation Bands

	£
A	815.09
B	950.94
C	1,086.79
D	1,222.64
E	1,494.34
F	1,766.04
G	2,037.74
H	2,445.28

Being the amounts given by multiplying the amount at 12(d) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

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- (13) that it be noted that for the year 2016/2017 the major precepting authorities have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwellings shown below:

Valuation Bands	West Midlands Fire and Rescue Authority	Police & Crime Commissioner for the West Midlands
	£	£
A	37.35	74.37
B	43.58	86.76
C	49.80	99.16
D	56.03	111.55
E	68.48	136.34
F	80.93	161.13
G	93.38	185.92
H	112.05	223.10

- (14) that, having calculated the aggregate in each case of the amounts at 12(e) and 13 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, sets the following amounts as the amounts of Council Tax for the year 2016/2017 for each of the categories of dwellings shown below:-

Valuation Band	£
A	926.81
B	1,081.28
C	1,235.75
D	1,390.22
E	1,699.16
F	2,008.10
G	2,317.04
H	2,780.43

- (15) that the Chief Financial Officer be authorised to take any necessary action to collect revenues and disburse monies from the relevant accounts;



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- (16) that the requirements of any relevant legislation, to consider reports as a consequence of the approval of the Council's Finances 2016/2017 report, be dispensed with on grounds that in the opinion of the Council the items are urgent.

24/16

### **Sandwell Safeguarding Adults Board Annual Report (Key Decision Ref. No. ACSH021)**

Mr Eddie Clarke, Independent Chair of the Sandwell Safeguarding Adults Board, presented the Sandwell Safeguarding Adults Board Annual Report 2014/2015.

The Care Act 2014 required the local authority to set up a Safeguarding Adults Board, made up of representatives from the local authority, the National Health Service and the Police to discuss and act upon local safeguarding issues and outcomes and develop shared plans for safeguarding. The Board worked with local people to enable adults with support needs/adults at risk, whether or not they were known to local services, to work in partnership to stay safe. The Board was required to publish a safeguarding plan and annual report to provide commentary and identify its progress against the strategic plan; this ensured that relevant organisations were working together in the most effective way.

Consideration was now given to the Sandwell Safeguarding Adults Board Annual Report 2014/15 which set out the activities of the Board and provided an overview of the effectiveness of multi-agency safeguarding arrangements in Sandwell.

The Board met quarterly to co-ordinate and drive agreed priorities and activity to ensure that adults at risk were effectively safeguarded. The Annual Report concluded that there were significant challenges for all partner agencies, including the local authority, these were:-

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- **Protect and Prevent**  
The need to continue to raise awareness of adult abuse and communicate effectively with all partners and members of the public;
- **Quality and Assurance**  
the need to continue to focus on effective delivery, high quality processes and services and improving the way we work with adults at risk of harm in Sandwell;
- **Learning and Development**  
the need to continue to focus on targeted and responsive learning and development opportunities available to all and including mandatory partners;
- **Making Safeguarding Personal**  
the need to ensure the continued cultural change within the workforce to reflect the requirement to engage with adults at risk of harm in all decisions and planning enabling them to identify their outcomes and developing a plan in partnership and subject to ongoing review enabling more effective solutions and ensuring individuals were better able to safeguard themselves with support.

The Plan had been considered by the Health and Adult Social Care Scrutiny Board on 7<sup>th</sup> January 2016 and would be considered by the Health and Wellbeing Board in March 2016.

In recommending the proposal for approval, the Cabinet Member for Adult Social Care and Health invited members to meet with the Chair of the Safeguarding Board to discuss any issues or concerns they may have.

In response to questions raised by the Chair of the Housing Scrutiny Board and the Chair of the Leisure, Culture and the Third Sector Scrutiny Board, the Chair of the Safeguarding Board confirmed that:-

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- the CQC was the regulatory body to undertake inspections where safeguarding concerns were raised by families and was the main public information source where any concerns on care homes could be found. Their findings would be made available on their website. If there were significant concerns that warranted investigation, the local authority could suspend any new placements to a care home and would take precaution and safety as a priority;
- the promotion of adult safeguarding issues was being undertaken with GP and health care providers, within each of the six towns within the Borough and with communities so that they were aware of safeguarding and what to do if they had any concerns with the welfare of loved ones. The Board would continue to monitor the number of ethnicity referrals in future years whilst continuing to raise understanding within communities.

**Resolved** that the Sandwell Safeguarding Adult Board Annual Report 2014-15 and Sandwell Safeguarding Adult Board – Executive Summary (2014-15) be approved.

25/16

### Revenues and Benefits Policy Framework Review 2016/2017 (Key Decision Ref. No. FR041)

The Deputy Leader and Cabinet Member for Finance and Resources sought approval to the Revenues and Benefits Services Policy Framework 2016/2017 following an annual review of the policies to ensure that they remained up to date.

The Framework included the Corporate Debt Recovery Policy, the Council Tax Discretionary Relief Policy, the Discretionary Housing Payments Policy, the Non Domestic Rates Discretionary Rate Relief Policy, the Local Welfare Provision Policy, the Non Domestic Rate Hardship Relief Policy, the Housing Benefit / Council Tax Benefit and Local Council Tax Reduction Scheme Overpayment Recovery Policy, the Joint Policy for Establishing Eligible Support and Accommodation Charges and the Local Council Tax Reduction Scheme Policy.

Amendments had now been made to a number of policies in order to:-

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- provide more clarity;
- allow for the introduction of Universal Credit and to add detail on the types of one off awards that could be given;
- exclude organisations funded directly from taxation from receiving discretionary rate relief and to remove any reference to retail relief as this would end on 31<sup>st</sup> March 2016;
- consider amendments introduced by central Government which allowed discretionary relief to be awarded to three new areas; certain child providers; shared workspaces; local newspapers;
- clarify circumstances where requests from people in receipt of contribution based Jobseekers Allowance or contribution based Employment and Support Allowance would be considered;
  - allow more clarity around timeframes and State Aid and to remove any reference to Council Tax Reduction as changes to the reduction were now classed as changes to Council Tax Liability and not an overpayment of benefit.

In response to a question raised by the Chair of the Budget and Corporate Scrutiny Board, the Deputy Leader and Cabinet Member for Finance and Resources reported that there was not a cap on the total amount a resident could receive in Local Welfare Provision in a financial year as it was calculated on assessment and need. Only two applications could be made in any twelve month period. Larger incidents of help would be in resettlement and furnishings. As part of the Local Welfare Provision, the Council provided support to Food Banks in the voluntary sector within all of the six towns in the Borough.

**Resolved** that the contents of the Revenues and Benefits Service Policy Framework 2016/2017 be approved.

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### Award of Contract for the Provision of Technology Hardware (Key Decision Ref. No. FR033)

The Deputy Leader and Cabinet Member for Finance and Resources sought approval to award a contract for the provision of technology hardware (e.g. laptops, desktops, servers, etc.). The contract would meet the strategic objectives of the ICT Strategy, meet the needs of services and deliver value for money for the Council.

The current contract for the provision of technology hardware would expire on 17<sup>th</sup> February 2016.

In accordance with the Council's Procurement and Contract Procedure Rules, Computacenter (UK) Limited was the most competitive tender. The contract was for a two year period from 1<sup>st</sup> March 2016 to 28<sup>th</sup> February 2018 in the sum of £1m.

Whilst there would be a short period between the old contract ending and the new one starting due to the upcoming implementation of the new end user computing experience as part of the ICT Strategy, it was anticipated that services would not require new hardware during this intervening period. However, in an urgent situation, it would be possible to procure small volumes of ICT hardware via other existing framework agreements.

In the short-term, this contract would be utilised to refresh older ICT equipment that had now been in use for up to eight years. In addition, the contract would enable the Council's ICT Service to provide technology hardware across the Council on an on-going basis over the next two years.

#### **Resolved:-**

- (1) that the Assistant Chief Executive award the contract for the provision of Technology Hardware to Computacenter (UK) Limited for a two year period from 1<sup>st</sup> March 2016 to 28<sup>th</sup> February 2018 in the sum of £1m;
- (2) that, in connection with resolution (1) above, the Director - Governance be authorised to enter into an appropriate contract with Computeracenter (UK) Limited for the provision of technology hardware.

[ILO: UNCLASSIFIED]

27/16

**Local Strategy for Flood Risk Management in the Black Country (Key Decision Ref. No. HE040)**

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

The Council, as the Lead Local Flood Authority, was required to co-ordinate local flood risk management and work with other risk management authorities such as the Environment Agency and Severn Trent Water plc to develop, maintain, apply and monitor the implementation of a Local Flood Risk Management Strategy to reduce, where possible, the likelihood of flooding.

The Strategy provided an overview of local flood risk, clarified who was responsible for managing risk and set out objectives, measures and an action plan for how the Lead Local Flood Authority would manage flood risk associated with surface water, groundwater and ordinary water courses.

On 14<sup>th</sup> October 2015, the Cabinet approved the Strategy as a basis for consultation with the public, other flood risk management authorities and others with an interest. Public consultation took place in the six week period from 9<sup>th</sup> November to 17<sup>th</sup> December 2015. The Community Safety, Highways and Environment Scrutiny Board also considered the Strategy on 9<sup>th</sup> December 2015.

The responses received during the consultation period were supportive in the approach proposed.

An equality impact assessment was not required for this proposal.

**Resolved** that the Local Strategy for Flood Risk Management in the Black Country be approved.

28/16

**Award of Contract for Enhanced Assessment Beds (Key Decision Ref. No. ASCH016)**

The Cabinet Member for Adult Social Care and Health sought approval to award a contract for the provision of eighteen enhanced assessment beds on a block contract for a period of six months with an option to extend for a further twelve months.

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It was proposed to award the contract to the current provider Bupa Care Homes (CFHCare) Limited who would provide the service at Ryland View Nursing Home, Tipton following their submission of a valid tender, track record of providing the existing service and unique capacity to deliver this service in or within one mile of the border of Sandwell.

The Council's Procurement and Contract Procedure Rules required a minimum of four written tenders to be received for contracts valued above £60,001. As Bupa Care Homes (CFHCare) Limited, was the only provider to complete a tender, Rule C7 of the Procurement and Contract Procedure Rules allowed where limited or one tender had been received, an exemption to be sought from Cabinet to allow the contract to be awarded. Bupa had demonstrated that they met all the requirements set out in the tender in relation to price and quality.

The annual value of the current contract was £608,400 (£650 x 18 beds x 52 weeks). This contract was funded through the Better Care Fund Programme. The Better Care Fund Integration Board had agreed additional funding for this service until 30<sup>th</sup> September 2016. During this time, a review of current intermediate care would take place to ensure provision going forward was strategically planned and aligned.

The benefits of an enhanced assessment service for Sandwell Council would be a reduction in Delayed Transfers of Care (DTC's) and effective winter planning with health partners in relation to timely and effective hospital discharges. The benefits for service users and carers would be consistency of service delivery.

An equality impact assessment had been undertaken for this proposal.

### **Resolved:-**

- (1) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the Director of Adult Social Care, Health and Wellbeing to award a contract to the current provider Bupa Care Homes (CFHCare) Limited for the provision of 18 enhanced assessment beds in Ryland View Nursing Home, for a 6 month period, with an option to extend for additional period of up to one year;

[ILO: UNCLASSIFIED]

## The Cabinet – 24<sup>th</sup> February, 2016

- (2) that subject to resolution (1) above, the Director – Governance award the contract for the provision of 18 enhanced assessment beds in Ryland View Nursing Home to Bupa Care Homes (CFHCare) Limited.

### **Business Items**

29/16

#### **Consultation on Admission Priorities for Sandwell's Community and Voluntary Controlled Schools**

The Cabinet Member for Children's Services reported that the local authority (as the admissions authority for community and voluntary controlled schools) was required to undertake a consultation exercise when changes were proposed to admission arrangements or if admission arrangements had not been subject to consultation at least once in the last seven years. The Admissions Code also required the local authority to consult governing bodies of community and voluntary controlled schools where it proposed either to increase or keep the same Published Admission Number.

The Council had last consulted on its admission arrangements in 2011 and, whilst it was not proposed to significantly change the oversubscription criteria for community and voluntary controlled schools, the local authority had consulted on the 2017/18 arrangements which included:-

- reference to new requirements from the Admission Code (i.e. policies relating to admission of children outside their normal age group and to children of UK service personnel);
- clarification that applications made on denominational grounds for primary schools were only considered if supported by the Anglican/Church of England church (and not if supported by other denominations).

A six week statutory consultation process had taken place with stakeholders. No objections were received during the consultation period. Of the four responses received, all were supportive of the proposed admission arrangements.

An equality impact assessment was not required for this proposal.

[ILO: UNCLASSIFIED]



## The Cabinet – 24<sup>th</sup> February, 2016

**Resolved** that, having taken the requirements of the Admission Code and the results of consultation into account, the proposed admission arrangements for Sandwell's Community and Voluntary Controlled Schools in 2017/18 academic year be agreed for publication.

30/16

### Elective Home Education Policy Statement

The Cabinet Member for Children's Services sought approval to consult on the Council's Elective Home Education Policy Statement where parents' provided education for their children at home instead of sending them to school.

The Department for Education recommended that each local authority should have a written policy statement on elective home education to reflect current law and be compatible with the Elective Home Education Guidelines for Local Authorities published by the Department for Education in 2013.

The Attendance and Prosecution Service within the Council was responsible for recording and assisting families who chose to home educate their child. If it appeared that a child was not receiving a suitable education, there was a statutory duty on the Council to intervene.

The Attendance and Prosecution Service had undertaken a review of procedures and practices to establish a whole system approach to the education and welfare of electively home educated children in Sandwell.

The introduction of the policy would ensure, as far as was possible, the Services was able to record and assist home educating families, intervening if necessary, to ensure that home educated children received a suitable education and were safeguarded as effectively as possible.

Consultation on the proposed policy would be undertaken from 1<sup>st</sup> March to 31<sup>st</sup> March 2016, by writing to all affected stakeholders, including parents who educated their children at home and home school education organisations.

An equality impact assessment was not required for this proposal.

[ILO: UNCLASSIFIED]

## The Cabinet – 24<sup>th</sup> February, 2016

In recommending the proposal for approval, the Cabinet Member for Children's Services expressed concerns that the local authority currently had no rights to see how home educated children were being taught and this could have possible safeguarding issues. The Cabinet Member was therefore minded to write to all local Members of Parliament to lobby the Government on changing the law so that parents were always required to inform the local authority if they decided to home educate their own child and that this requirement should be in place whether or not a child had previously been on a school roll. This letter would also recommend that parents of home educated children should have a duty to co-operate with the authority so that the quality of the education could be regularly reviewed in all cases.

In response to a question raised by the Chair of the Children's Services and Education Scrutiny Board, the Cabinet Member for Children's Services confirmed that approximately 170 children in Sandwell were currently being home schooled and that the Council kept a record of their details, including, gender, age, ethnicity. The authority was required to liaise with families at least once a year but also ran events throughout the year and kept in regular contact through newsletters. Currently, the authority could also arrange more than one visit if the initial visit to parents raised concerns about the ability to educate at home.

### **Resolved:-**

- (1) that the Elective Home Education Policy Statement, as now submitted, be approved as the basis for consultation from 1<sup>st</sup> March to 31<sup>st</sup> March 2016;
- (2) that, subject to no unresolved issues raised during the consultation process, the Elective Home Education Policy Statement, as now submitted, be approved with effect from 4<sup>th</sup> April 2016;
- (3) that, in connection with resolution (1) above, in the event that the Director – Education is of the opinion that there are unresolved significant issues received during the consultation period, a further report to consider these objections be considered by the Cabinet Member for Children's Services.

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31/16

### Decisions Taken by the Cabinet Member for Highways and Environment on 28<sup>th</sup> January, 2016

The decisions of the Cabinet Member for Highways and Environment on 28<sup>th</sup> January 2016 were received.

No questions were asked of the Cabinet Members.

#### **Resolved:-**

- (1) that the Lloyd Street car park, West Bromwich be removed from The Borough Council of Sandwell (Off Street Parking Places Order No.23) 2016;
- (2) that the paid for car parking charges at Sandwell Valley Country Park, West Bromwich be amended during the winter months, October – March to apply from 9.00am to 3.00pm.

32/16

### 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).

33/16

### Sacred Heart Primary School – Proposed Expansion and Relocation (Key Decision Ref. No. FR040)

The Deputy Leader and Cabinet Member for Finance and Resources sought approval to awarding an additional capital allocation of £944,000 to fund the expansion and relocation of Sacred Heart Primary School, Victoria Road, Tipton to its proposed new site at Coneygre Arts Centre, Sedgley Road East, Tipton.

[ILO: UNCLASSIFIED]

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Additional funding was required to meet the difference between the approved budget and the actual cost of delivery of the new school due to increased costs to the project. It was proposed to fund the additional resources from the unallocated capital (Department for Education Basic Need) of £11,463,928.

Unfortunately the school's existing site was too small to support its expansion to a 2 form entry (420 places) primary school. Upon identification of the unique costs associated with the Coneygre site, officers investigated the availability of an alternative suitable site within a mile radius of the existing school. The only other suitable site in Council ownership was Victoria Park, with no other Council or private site available for acquisition to meet need.

Upon completion, the new school would provide an additional 308 primary pupil places in the Tipton area. The project aligned to service needs so that the Council was able to meet its statutory responsibility of ensuring every child in Sandwell had access to a good school place by seeking to build on its commitment to expand successful and popular schools.

The remaining, unallocated, resources of £10,519,928 would be held back whilst detailed feasibility is undertaken on future projects.

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

An equality impact assessment was not required for this proposal.

### **Resolved:-**

- (1) that £944,000 of the Department for Education Basic Need capital allocation is allocated to the Schools Capital Programme 2015/16-17/18 to fund additional costs associated with the proposed relocation and expansion of Sacred Heart Primary School, Victoria Road, Tipton;

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- (2) that subject to resolution (1) above, the remaining £10,519,928 funding be retained until feasibility has been undertaken on proposed schemes for 2016-2018, which will be subject to a further report submitted to Cabinet;
- (3) that subject to resolution (1) and (2) above, following the completion of a compliant procurement process, the Assistant Chief Executive award a contract for the relocation and expansion of Sacred Heart Primary School to its proposed new site at Coneygre Arts Centre, Sedgley Road East, Tipton, at a sum of £5,444,000;
- (4) that subject to resolution (3) above, under the Council's Strategic Partnering Agreement with Sandwell Futures Limited, the Director – Governance enter into a contract for the construction of the new Sacred Heart Primary School, Victoria Road, Tipton;
- (5) that subject to resolution (1) and (3) above, in the event that the cost does exceed £5,444,000, the Director – Education, in consultation with the Cabinet Member for Finance and Resources, considers and determines the sums to be incurred and whether the contract should proceed;
- (6) that subject to resolution (1) and (2) above, following the appropriate procurement processes, the Director - Governance enter into any legal agreements on terms agreed by the Director of Children's Services, as required, to allow works on the proposed site as part of the relocation of Sacred Heart Primary School, Victoria Road, Tipton;
- (7) that in connection with resolution (1) and (3) above, the following action points identified within the appraisal report be implemented to reduce any risk to the Council:-

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- undertake rigorous financial monitoring of the project to ensure that sufficient contingency/risk is included and that the total project cost can be managed within the available funding;
- provide a corporate Risk Register for the project, identifying responsible officers, along with associated target dates for the mitigation of risks;
- undertake robust contract monitoring to assist with the successful delivery of the project within required timescales and costs.

(Meeting ended at 4.19 pm)

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